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POLLING PLACE QUICK REFERENCE GUIDE

Each election judge should be given a copy of this handbook and Sections 1-7 should be printed and available at the polls on election day.

Polling Place Situations: A "Quick Guide" is also available on the sosmt.gov website:
https://sosmt.gov/elections/judge-training/

1 - Polling Place Situations

It is recommended to provide each judge with the Election Judge Handbook and a copy of information on pages 6-11 as a guide to common polling place situations.

Chapter One outlines common situations experienced by election officials in a polling place setting. Chapter One is not intended to provide an exhaustive list of all polling place situations. Should you have any questions, do not hesitate to ask your County Election Administrator or the Office of the Secretary of State for clarification.

Identifying Voters at the polling place (https://sosmt.gov/voter-id/):

Montana permits voters with a wide variety of options to identify themselves for voting purposes. A voter may identify themselves by presenting any **one** of the following government-issued forms of identification:

√   Montana Driver's License,
√   Montana state identification card issued pursuant to 61-12-501,
√   Military Identification card,
√   Tribal photo identification card,
√   United States Passport, or
√   Montana concealed carry permit.

Similarly, a voter may identify themselves by presenting any combination of identification forms that meet the following criteria:

1. Any other form of **photo ID showing the elector's name**,
   (For instance, a ski area season pass, health club membership card, school enrollment card, or shopping membership card, etc., so long as the identification contains both the elector's name and photo)
   AND
2. A current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address.
   (For example, a voter registration confirmation card, vehicle registration, WIC documentation, etc., that contains the elector's name and address)

Note: Montana law and rule provide additional processes for reasonable identification impediments (see Identification section starting on page 93 for information on Polling Place Elector Identification form and Declaration of Reasonable Impediment form).

Elector's ID differs from information in Register is incorrect:

- If the ID provided has information that differs from the information in the precinct register and the election judge determines the information provided is enough to verify the elector's identity and eligibility to vote, the elector may sign the register and vote. The elector must also complete an updated registration form.

Elector did not bring an acceptable form of ID, or the information presented is insufficient to verify the elector's identity and eligibility to vote:

- Allow the elector to return to the polling place with a required form of identification, or
- If the elector is unable to provide the required forms of identification, the elector is allowed to cast a provisional ballot.

Elector's name not in the Register:

- Call the election office to verify whether the elector's name **should** be on the Register:
  - If confirmed and the elector was omitted erroneously from the Register, have the elector complete the *Certificate of Erroneous Omission* form.
  - **Example:** An elector updates their registration address but it was not updated due to an administrative error such as an error in Motor Vehicle Division forwarding a requested change.
  - The elector votes a **regular ballot** in this scenario.
- If the election office cannot confirm the elector was erroneously omitted from the Register, the elector can vote a provisional ballot.
- If the elector chooses **not** to vote **provisionally** at the polls, direct them to the election office or designated location to resolve the problem.

Elector's address in Register is incorrect:

- Have the elector fill out a *Voter Registration* form with updated information and the elector then votes a **regular ballot.**

Register says elector was issued an Absentee Ballot:

- The elector must vote a **provisional ballot**. Inform elector that the **provisional ballot** will be counted only if the **absentee ballot** is not turned in.

A provisionally registered elector appears to vote (status will be noted on the Register).

- If the provisionally registered elector provides required polling place ID and other missing information and the ID and/or information is verified by the election administrator, the elector can vote a **regular ballot**.
- If the provisionally registered elector does not provide a form of required ID or the ID number or other missing information cannot be verified by the election administrator, the elector may vote a **provisional ballot**. Inform the elector that the **provisional ballot** will be counted if the elector provides verifiable ID and any applicable missing registration information to the election office by 5pm the day following the election.

An inactive elector appears at the polls to vote:

- An elector can be placed on "Inactive" status for a variety of reasons that are established in law (see MCA 13-2-220, ARM 44.3.2014). These reasons include not responding to correspondence during annual voter list maintenance or having a ballot returned to the election office as undeliverable in a mail ballot election.
- An **inactive** elector may reactivate their registration on election day by appearing at the polls or by requesting an absentee ballot. The elector may vote a **regular ballot** on election day at the county election administrator's office or a central location designated by the county election administrator (which may include the polling place). See 44.3.2015, ARM.
- An **inactive** elector should fill out a *Voter Registration Form* if any information in their voter record has changed.

Elector is challenged:

- If a challenge is resolved (see *Resolving Challenges - Special Situations* section of the *Election Judge Handbook),* then the elector may vote a **regular ballot**.
- If the challenge is not resolved, they may vote a **provisional ballot**.

Elector unable to sign the Register:

- Instruct the elector to mark the spot with a fingerprint or another identifying mark like an X.
- Note in the register that you witnessed the elector marking the register.
- If elector is unable to provide a fingerprint or identifying mark and does not have a designated agent, the election judge (or the Election Administrator) may sign for the elector after verifying elector's ID.

Revised February 11, 2022

Elector requires assistance to vote:

- The polling place is for everyone. The elections process in Montana facilitates voters with disabilities in a variety of ways. Avoid making assumptions about ability. Listen to understand which part of the voting process an elector may need help with.
- Be accommodating and talk with the Chief Election Judge about ways that you can assist electors with disabilities with the voting process.
- The elector may use the AutoMARK™ or ExpressVote®. (See *AutoMARK™ Voting System Setup, Use, and Troubleshooting*, section 4 or *ExpressVote® User Guide*, section 5, *Election Judge Handbook*.)
- The elector may request the designated assistance of an individual to aid the elector in the marking of the elector's ballot, with a few exceptions.
  o The individual chosen **may not** be the <u>elector's employer</u>, <u>an agent of the elector's employer</u>, or an <u>officer or agent of the elector's union</u>.
- An individual designated to assist the elector shall sign the individual's name on the precinct register beside the name of the elector assisted.
- A properly designated agent may assist the elector with the voting process in a variety of ways.
- The elector has the option to be assisted by two election judges who represent different parties. The elector and assigned judges will complete the "Oath of Elector Needing Assistance within Polling Place" form (see bottom half of "*Oath of Elector Unable to Enter Polling Place*" form).
  o If election judges who represent different political parties are not available, the chief election judge shall appoint two election judges to assist the elector (MCA § 13-13-119).
  o The judges appointed must make a notation on the voter's signature line in the Register and file the signed *Oath of Elector Unable to Enter Polling Place form* in the back flap of the Register binder.
- If an elector has difficulty entering the polling place, they may cast their ballot by requesting that a ballot be delivered to the elector outside the building where the polling place is located.
  o After identifying the disabled voter and confirming registration status, the chief election judge shall appoint two election judges (representing different political parties, if possible) to take the ballot to the elector.
  o The elector must sign the *Oath of Elector Unable to Enter Polling Place* form.
  o The judges appointed must make a notation on the voter's signature line in

the Register and file the signed *Oath of Elector Unable to Enter Polling Place form* in the back flap of the Register binder.

Elector makes a mistake on the ballot (see "Special Situations" section):

- Ballot judge will write "spoiled" on stub and the elector will write "spoiled" on the ballot.
- Judge will remove stub and elector places spoiled ballot in an envelope marked "Spoiled."
- Instruct poll book judge to mark poll book accordingly for the spoiled ballot number. The word "SPOILED" must be marked beside elector's name for that ballot number in the poll book.
- Give elector a new ballot and state to the poll book judge what the new number is for the ballot.
- **DO NOT** place stickers or labels to cover up and correct errors on the spoiled ballot. Additionally, **DO NOT** provide stickers or labels to electors to place on their ballot.

A ballot is missing or blank:

- If the next sequential ballot is missing, the poll book judge will note it by writing "missing" next to the number in the poll book.
- If the ballot is missing a number due to misprint, fold it and place in a "Spoiled" ballot envelope. Place it in the ballot box with the stub attached. Verify the next ballot has the correct sequential number. If not, repeat the steps above for that ballot.

Elector brings a voted Absentee Ballot to drop off at the polls (see *Absentee Voters at the Polls* section of this handbook):

- Electors can drop off **absentee ballots** at any polling place in the county that issued the ballot.
- On election day, electors may return ballots to the election office or any polling place in the county where the elector is registered to vote. For school districts, ballots can be returned to any polling place in the school district.
- **Absentee ballots** dropped off at the polling place must be sealed in a secrecy envelope and an affirmation signature envelope. The signature envelope must be signed and dated by the elector.
- An **absentee ballot** dropped off at a polling place other than the one in which the elector appears on the register must be:
  - Delivered to the election office for signature verification and tabulation if

tabulation of **absentee ballots** is done at a central location or as directed by the Election Administrator.

- o Delivered to the election office for signature verification. The ballot will then need to be delivered by the election office to the correct precinct if all counting is done at the precinct location or as directed by the Election Administrator.

An Elector asks about Write-In Candidates:

- The Election Administrator will provide the chief election judge at each precinct a list of declared write-in candidates, along with copies of the filing form with name variations. The list may be shown to any elector who requests the information. Lists must **not** be posted in the polling place or in a voting booth.
- The Election Administrator will provide copies of filing forms listing name variations to ballot tabulating judges.

Elector requests ballot be hand-counted:

- When the elector returns the voted ballot, remove the stub, and place it in the stub container. Return the ballot to the elector, have the elector place it in an envelope marked *Hand-Count*, and place in the ballot box.

Poll Watchers:

- A candidate may not be a poll watcher at a polling place where electors are voting on ballots with the candidate's name on them.
- A candidate, family member of a candidate, or worker or volunteer for a candidate's campaign may not distribute alcohol, tobacco, food, drink, or anything of value to an elector within a polling place or a building in which an election is being held or within 100 feet of an entrance to a polling place.
- At the time when each elector signs their name, the register judge shall pronounce the name loud enough to be heard by the poll watchers.
- A poll watcher who does not understand the pronunciation has the right to request that the judge repeat the name.
- Poll watchers can obtain permission from the chief election judge to view the Register during a time that does not interfere with any voting with permission of the chief election judge.
- Poll watchers and observers are entitled to observe all vote counting procedures.

- Poll watchers and observers for early tabulation before the polls close must sign the proscribed affirmation13-15-207(4) MCA and may not disclose results learned prior to polls closing on election day under penalty of law.
- Access to an electronic system containing early tabulation results is limited to the Election Administrator and the elections administrator's designee. Results may not be released prior to the close of polls on election day.
- Poll watchers may challenge any elector using the completed prescribed form.
- Poll watchers and observers may speak to an election judge at a polling place to discuss application or interpretation of election procedures/laws, providing it **does not interfere** with election procedures as determined by the chief election judge.
- Ensure poll watchers and observers are not soliciting information or promoting an issue or candidate to electors in the polling place.
- If cell phones are allowed, poll watchers, observers, and signature gatherers using cell phones should be asked to go to a secluded area or outside the polling place, where electors will not hear the call and will not be distracted. Cameras or other electronic devices should be handled in a similar fashion. The elector must be able to vote in secrecy and without interruption.
- If you encounter an issue with a poll watcher, observer, or signature gatherer, contact the election office.

Questions: Call the local county election office or Secretary of State – Elections Division (406) 444-9608 or (888) 884-8683.

Polling Place Electioneering questions: Call the Commissioner of Political Practices (406) 444-2942.

2 - Polling Place Supplies Checklist

Paper:

- [ ] Absentee Elector Lists
- [ ] Absentee Secrecy and Signature Envelopes
- [ ] Absentee List Applications
- [ ] AutoMARK™/ExpressVote® Tally Sheets (tracking)
- [ ] Ballots
- [ ] Challenge Forms
- [ ] Checklists for Opening and Closing of Polls
- [ ] Curbside Voting Materials
- [ ] Election Judge Handbooks
- [ ] Election Judge Time Sheets
- [ ] Emergency Contact Lists
- [ ] Envelopes for Close of Polls
- [ ] Envelopes for Hand-Count Ballots (if any)
- [ ] Envelopes for Spoiled and Unvoted Ballots
- [ ] Erroneous Omission Forms
- [ ] List of All Registered Electors
- [ ] List of Challenges
- [ ] List of Election Judges
- [ ] List of M100 Ballot Tabulator Messages
- [ ] List of Registered Electors at the Polling Place
- [ ] Maps: Precinct Maps, Road Maps, etc.
- [ ] M100 Reconciliation Forms
- [ ] Official Seals (for Voting Material Containers)
- [ ] Poll Location List
- [ ] Poll Book and Reconciliation Worksheets
- [ ] Polling Place Emergency Relocation Checklist
- [ ] Polling Place Elector ID Forms (Required)
- [ ] Precinct Register
- [ ] Provisional Ballot Envelopes
- [ ] Reasonable Impediment Declaration Form
- [ ] Registration Cards
- [ ] Sample Ballots
- [ ] Security Seals and Seal Log
- [ ] Signs for Electors with Disabilities
- [ ] Sticky Notes
- [ ] Title 13 Election Law Books
- [ ] Toilet Paper and Tissues
- [ ] Voter Information Pamphlets
- [ ] Voting Instructions and Warning Posters

Items:

- [ ] 100-Foot String to Avoid Electioneering
- [ ] AutoMARK™/ExpressVote® Secrecy Sleeves
- [ ] Badges and Name Tags
- [ ] Calculators
- [ ] Cell Phones/Phone Cards/Quarters for Phone Booths
- [ ] Clipboards
- [ ] Duct Tape
- [ ] Envelope Dampeners
- [ ] Extension Cord
- [ ] Extra AutoMARK™ Ink Cartridge
- [ ] Eye Drops
- [ ] Feather Duster
- [ ] Finger Adhesive
- [ ] First Aid Kit
- [ ] Flashlight and Extra Batteries
- [ ] Food and Coffee for Election Judges
- [ ] Hand Sanitizer and Lotion
- [ ] Highlighters
- [ ] "I Voted" Stickers
- [ ] Ink Pads
- [ ] Isopropyl Rubbing Alcohol Cleaning Pads
- [ ] Keys
- [ ] Lanyards
- [ ] Letter Openers
- [ ] Light Bulbs
- [ ] Magnifying Glass and Magnifying Sheet
- [ ] Numbered Security Ties
- [ ] "Official Ballot" Stamps
- [ ] Paper Clips
- [ ] Pens, including blue, black, and red
- [ ] Permanent Marker
- [ ] Photocopier (optional)
- [ ] Plastic Electrical Cord Adapters
- [ ] Poll Booths
- [ ] Poster Tack
- [ ] Pressurized Can of Air
- [ ] Reading Glasses
- [ ] Rubber Bands
- [ ] Rubber Thumbs
- [ ] Rulers
- [ ] Scissors
- [ ] Scotch Tape
- [ ] Signature Line Rectangle (for Blind/Low-Vision)
- [ ] Spindles
- [ ] Staple Remover
- [ ] Thumb Tacks
- [ ] Tool Kits
- [ ] Voting Systems

3 - Polling Place Contingency Plans

In certain cases involving extreme emergencies, it may be necessary for the Secretary of State to provide special directives regarding election day. If directives are necessary, the Election Administrator will relay and distribute all information to the election judges.

Emergency Relocation of Polling Place Checklist

The chief election judge or polling place manager will use this checklist in the event of an emergency that requires relocation of the polling place. Please modify as necessary for county-specific procedures.

1. **Is there an immediate threat to the safety of electors and election judges?**

   If **yes**, evacuate electors and judges, and call 911.

2. **If there is no immediate safety threat:**

   ☐ Contact the Election Administrator at the following number: _____.
   ☐ Evacuate electors in a calm manner. Let electors who have a ballot finish voting unless a threat is imminent.
   ☐ Seal and secure ballots for transport.
   ☐ Before you turn off voting machines, note the number of ballots on each machine so the number can be verified at the new location.
   ☐ Secure voting equipment and prepare for transport.
   ☐ Transport equipment and supplies to your designated relocation area using bipartisan teams of judges. Make sure at least two judges are present when handling ballots and/or voting equipment.
   ☐ Post Polling Place Relocation Signs where they are easily visible at evacuated polling place.
   ☐ Set up machines, ballots, and other supplies at the new polling place.
   ☐ Verify seals on the equipment and ballot boxes are intact.
   ☐ After voting machines are turned on, verify the number of ballots on each machine is the same. New "zero" tapes are not required.
   ☐ Resume voting as quickly as possible.
   ☐ Contact the Election Administrator when relocation is complete.

4 - AutoMARK™ Voting System Setup, Use, and Troubleshooting

The information on the following pages is intended to provide basic guidelines regarding the AutoMARK™. If you have additional questions not covered by the information below, follow the procedures specified in the instruction manuals, user guides, and technical manuals as provided by the manufacturer, as well as training guides provided by the manufacturer and/or the Election Administrator.

Touch Screen Monitor

Ballot Feed Tray

Headphone Jacks

ADA Ports

Keypad

Forward/Next

Scroll Up

Select

Back

Scroll Down

Screen On

Audio Repeat

Audio Speed
- Decrease
+ Increase

Volume
- Decrease
+ Increase
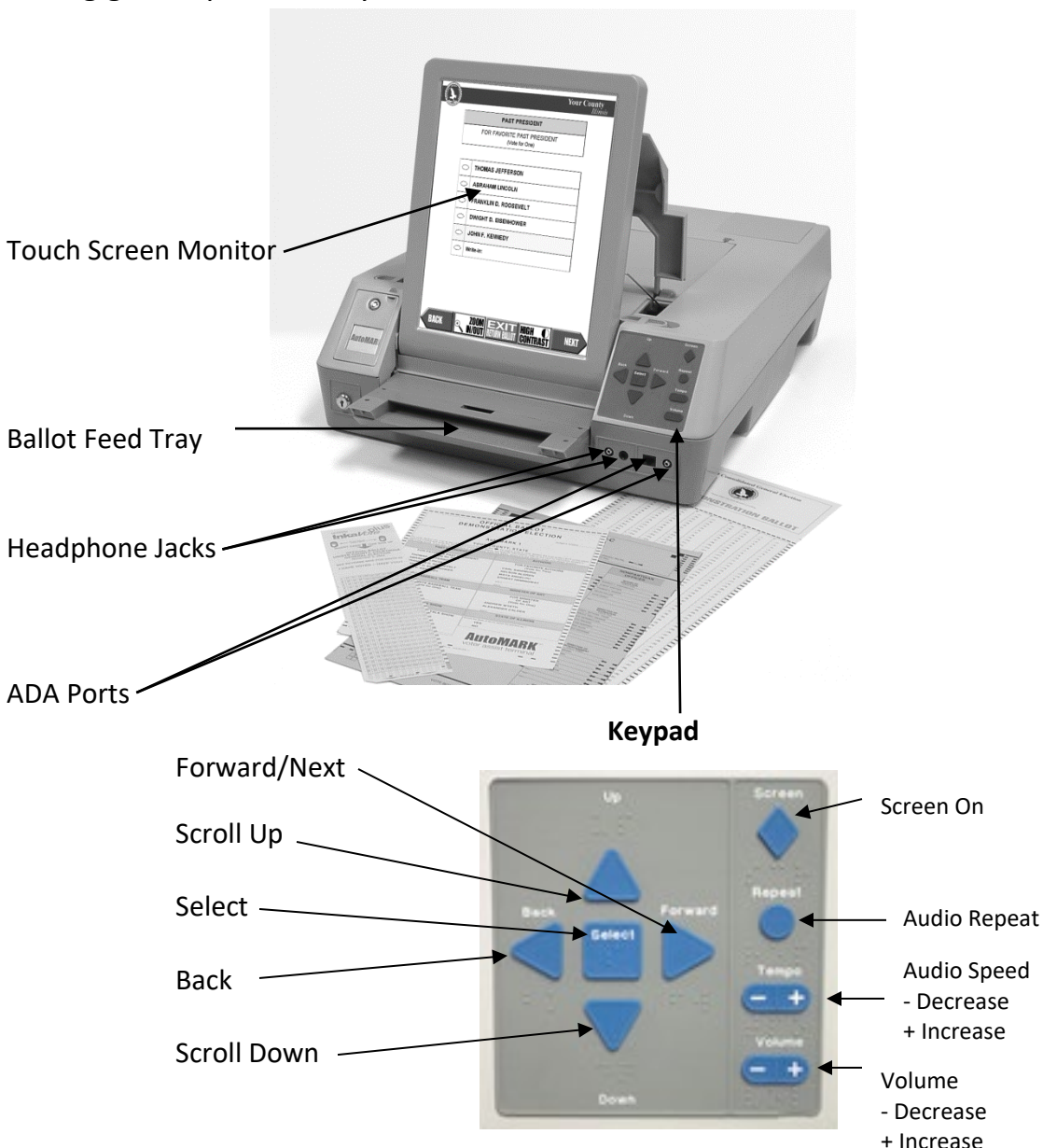
4.1   Setup for AutoMARK™ Voter Assist Terminal

1. If your media is not programmed to include all precincts, verify that the AutoMARK™ has the correct programming information for the precinct/polling location by testing several sample ballots.

2. If the Election Administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the Election Administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.

3. Open the transportation case using the flaps on the side and team-lift the AutoMARK™ onto a wheelchair accessible table (36" from tabletop to floor). Position the AutoMARK™ screen to face away from the center of the polling place. Ensure that the table is at least three feet from any walls or obstacles that may obstruct wheelchair access and maneuverability.

4. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.

5. Plug the appropriate end of the power cord into the slot on the back of the AutoMARK™ and the other end of the cord into the wall outlet, making sure not to obstruct walkways.

6. Move latches securing the top of lid to the outermost position.

7. Lift the lid flap up and rotate it back until it rests on top of the lid.

8. Lift the entire lid away from you into a vertical position. The touch screen under the lid is now visible.

9. Using both hands, lift the top of the touch screen towards you into a vertical position.

10. Close lid, leaving touch screen in upright position.

11. Adjust the angle of the touch screen for viewing comfort.

12. Open the ballot feed tray by pulling upward before pulling it away from the machine and lowering the tray until it comes to rest.

13. Plug the headphones into the appropriate headphone jack in front of terminal and set near AutoMARK™ to be used for audio assistance.

14. Remove cardboard secrecy sleeves, to be used with the AutoMARK™, from the transport case and place with polling place secrecy sleeves.

15. Turn the AutoMARK™ on by inserting the brass terminal access key into the mode switch on the front of the terminal.

16. Turn mode key to the middle or "ON" position. **NOTE:** Screen will remain blank for 60 seconds during warm-up. The "ON" light will be green if the AutoMARK™ is running on external power; if the light is orange, ensure the machine is properly plugged in and the outlet is on.

4.2   Conducting the Ballot Print Test for the AutoMARK™

1. Using brass mode switch key, turn mode switch to "TEST" mode.

2. Select "TEST BALLOT PRINT" on screen.

3. Select the "Enable Calibration Suggestions" box.

4. Insert an unmarked sample ballot into the ballot feed tray.

5. Once the AutoMARK™ prints and ejects the ballot, confirm that the AutoMARK™ filled all ovals and printed the name of each candidate in the correct ballot location. If the machine detects no problems with the printer calibration, you will receive the following message, "No calibration suggestions are available." **NOTE:** The test printed candidate names may appear just below the names printed on the ballot. Some variation is normal and to be expected.

6. Repeat steps 1 through 4 inserting the ballot in all possible orientations. Right side up, upside down, inserted forward, or inserted backward.

7. Confirm that the AutoMARK™ filled all ovals and printed the name of each candidate in the correct ballot location. NOTE: The test printed candidate names may appear just below the names printed on the ballot. Some variation is normal and to be expected.

8. Press "DONE" and return terminal to "ON" mode by turning mode switch key left or to the middle position.

9. Remove the key from the mode switch and secure it in a safe place.

4.3   Instructions for Using the AutoMARK™

1. The AutoMARK™ is used to mark a ballot, check a marked ballot for errors, and allow persons with disabilities to vote independently and secretly.

2. The elector's independence and secrecy <u>must</u> be maintained throughout the process. However, the elector may be provided with assistance if they request it. See *Assisting Electors with Disabilities* section.

3. Below are steps to follow when an elector wishes to use an AutoMARK™:

a. Inform the elector of methods to mark the elector's choices on the AutoMARK™.

   1) The touch screen may be used by touching candidate and ballot issue selections on the screen and by touching the function and navigation buttons located at the bottom of the screen.

   2) The Braille keypad to the right of the screen is equipped with shaped buttons that may be used to make selections, navigate, and change functions of the AutoMARK™.

   3) The audio assistance headphones may be used in addition to the touch screen, keypad, and other personal devices.

   4) Other personal ADA devices, such as sip and puff devices, supplied by the elector, may be used with the AutoMARK™ through the access port on the front of the terminal.

b. **Remove the elector's ballot stub(s)** carefully so that the ballot is not torn. Ideally, remove the ballot stub(s) with scissors.

c. The AutoMARK™ are equipped with specialized secrecy sleeves. The sleeves and the AutoMARK™ may each have adhesive tabs on them so you will be able to attach the sleeves to the AutoMARK™ in a manner that maintains the elector's ballot secrecy.

d. In a **Primary** Election, place each party ballot in a separate secrecy sleeve to give to the elector, indicating each party ballot. Instruct the elector to choose (in secrecy) the ballot which the elector wishes to vote, and to place the ballot of the elector's choice on top of the other ballots. Do not watch the elector make the choice of party ballots to maintain the privacy of the elector's choice.

   Instruct the elector to signal to you when they have made the choice of party ballots. Retain the unvoted party ballots until the elector has voted and printed the party ballot of the elector's choice.

After the elector has made their choice of party ballots, ask them if they want to have the screen blanked. If they do, let the elector blank the screen by pushing the diamond-shaped "Screen" button in the upper right corner of the keypad, or blank the screen for the elector if they ask you to do so.

Place the specialized secrecy sleeve containing the ballot to be voted on the AutoMARK™ so that the sleeve's adhesive tabs line up with the adhesive tabs on the AutoMARK™, if tabs are provided. Without viewing the ballot, slide the ballot into the AutoMARK™ so that it accepts the ballot. Place the sleeve containing the ballot that is not being marked near the AutoMARK™, in case the elector changes their mind.

Turn away from the screen and ask the elector to confirm that the correct party ballot was inserted into the AutoMARK™.

Once the elector confirms the correct choice of party ballots and has voted, ask them if they want to fold the unvoted ballots and place them in an unvoted party ballot envelope, if this applies to the instructions given by the Election Administrator.

After the elector has voted the party ballot of their choice and if they choose <u>not</u> to fold the unvoted party ballot (assuming that folding the unvoted ballot is necessary) place them in an unvoted party ballot envelope, do the following:

1) Hold the unvoted party ballot secrecy sleeve underneath the voted party ballot secrecy sleeve in a way that you cannot view the unvoted ballots.
2) Remove the unvoted ballots without looking at them, fold them, and place them in the envelope for unvoted party ballots (if necessary according to Election Administrator instructions); and
3) Place the unvoted party ballots in the container provided for them. Return to the AutoMARK™ after depositing the unvoted ballots.

e. In a **General** Election, place the ballot in the specialized secrecy sleeve on the AutoMARK™ so the adhesive tabs on the sleeve line up with the adhesive tabs on the AutoMARK™, if tabs are provided. Without viewing the ballot, slide the ballot into the AutoMARK™ so it accepts the ballot. Ask the elector if they want to have the screen blanked. If they do, let the

elector blank the screen by pushing the diamond-shaped "Screen" button in the upper right corner of the keypad, or blank the screen for them if they ask you to do so.

The specialized secrecy sleeve is placed in the AutoMARK™ so that the ballot will print into the secrecy sleeve, maintaining the elector's privacy. If it is not possible or feasible to use the secrecy sleeve for this purpose, cover the output tray of the AutoMARK™ so that when the ballot prints, the ballot is concealed to the greatest extent possible.

After the ballot prints, ask the elector if they would like to have you reinsert the ballot to confirm that their choices have been correctly marked. If the elector's ballot is reinserted, ask the elector if they are satisfied with the choices that have been marked. If the elector indicates that the AutoMARK™ has not marked the choices correctly, issue a new ballot.

If there is an error with the AutoMARK™ accepting the ballot, insert the ballot again. If necessary, turn the AutoMARK™ off and on. If the error is not resolved, contact the chief election judge or Election Administrator for assistance.

Remain attentive in case the elector requests additional assistance.

After the ballot prints into the specialized secrecy envelope, inform the elector that they may ask for assistance taking the ballot inside the secrecy sleeve from the AutoMARK™ to deposit in the ballot box.

NOTE: Only when asked by the elector may an election judge assist the elector with transporting the elector's ballot from the AutoMARK™ to the ballot box. See also *Assisting Electors with Disabilities* section.

4.4   Troubleshooting the AutoMARK™ Voter Assist Terminal (VAT)

Retain a copy of the Troubleshooting Guide with each AutoMARK™. Additional information is provided in the election day supplies. The system manufacturer and Secretary of State election office are available to help with any AutoMARK™ troubleshooting.

Please call ES&S 1-800-247-8683 or SOS Elections 406-444-9608 with issues or questions.

In addition to ballot voting instructions, give the elector the following guidance:

- An election judge will assist with inserting your ballot. If you encounter a problem while using the AutoMARK™ voter assist terminal, please signal an election judge to assist in resolving the error and **ensure that the ballot stub has been removed** from your ballot.
- After marking and printing your ballot, return ballot to the election judge in the secrecy sleeve provided.

If the AutoMARK™ fails during an election:

- Use additional AutoMARK™ if present and notify elector that the secrecy of their ballot may be compromised when removing ballot from the voting system, although every effort will be made to ensure secrecy.
- Reference common troubleshooting problems for possible problem and resolution.
- Document the machine number, date and time, issues and actions taken to resolve the issue.
- If the problem persists, notify the Election Administrator and request a replacement AutoMARK™ if necessary.

If a regular ballot gets jammed in the AutoMARK™, try to remove using the following steps:

1. Notify the elector that an election official must remove their ballot and every effort will be taken to ensure secrecy.

2. Lift the lid behind the screen so you can see inside the AutoMARK™.

3. Inside the AutoMARK™ at the rear of the tray are two tabs.

4. Push the tabs in and lift up on the tray to remove tray. Remove the ballot.

5. Put the front of the tray back into the AutoMARK™ and push back until it snaps into place.

6. Close the cover and turn the key to the 'Test' position, select 'Eject Ballot' and turn the key 'On.'

AutoMARK™ Troubleshooting Chart

Problem (Error Message)	Probable Causes	Solution
AutoMARK™ 'Locks' up	▪ Unknown	▪ Shut down and restart system.
Ballot Inserted and <u>Rejected</u> (Ballot Not Recognized)	▪ Ballot was inserted incorrectly. ▪ Ballot stub is attached to ballot. ▪ Ballot style not stored on VAT.	▪ Re-insert ballot. ▪ Remove ballot stub and re-insert. ▪ Verify correct election definition is used.
(Paper misfed. Please contact an election official.)	▪ Ballot was inserted incorrectly. ▪ Ballot may be damaged. ▪ Ballot feed tray is misaligned. ▪ PV scanner is smeared or dusty.	▪ Re-insert ballot. ▪ Replace ballot if damaged. ▪ Check ballot feed tray orientation. ▪ Clean scanner with compressed air.
Ballot Inserted and <u>Jammed</u> (Paper misfed. Please contact an election official.)	▪ Ballot was inserted incorrectly. ▪ Rear AutoMARK™ door is ajar. ▪ Battery power is insufficient to return ballot.	▪ Remove ballot (instructions above). ▪ Remove ballot and close rear door. ▪ Ensure AutoMARK™ is plugged in and mode switch light is green (AC power).
AutoMARK™ will not turn on (Startup Failed)	▪ Initial setup procedures failed. ▪ Battery low or running on battery.	▪ Turn unit off and then back on. ▪ Try another outlet (green light=AC Power).
Ballot Returned Unmarked	▪ Ballot was ejected before printing. ▪ Elector may have accidently touched "EXIT Return Ballot" button. ▪ Ballot may have been misfed.	▪ Re-insert ballot.
Battery Low or Running on Battery	▪ Battery power is low and a yellow rather than a green light appears above the Mode Switch.	▪ Check to be sure the unit is plugged in correctly. Try another outlet.
Audio is not present	▪ Volume may be set too low. ▪ Headphones are not connected. ▪ Election information may be wrong.	▪ Turn volume level up. ▪ Reconnect headphones. ▪ Contact the Election Administrator.
Ballot selection is not marked	▪ Ink supply is low.	▪ Replace ink cartridge.
No response when key is pressed	▪ Unknown.	▪ Shut down and restart system.
No response when a Sip-N-Puff or personal device is used.	▪ Device cable is not properly attached to access port.	▪ Check all connections, then shut down and restart system if necessary.

5 - ExpressVote® Universal Voting System, Setup, Use and Troubleshooting

Ballot Marking Configuration Poll Worker Quick Start Guide:

1. Access compartment
2. Power source indicator
3. Battery status indicator
4. Accessibility device port
5. Headphone jack
6. Paper ballot feed
7. Touch screen
8. Paper path Access compartment

Product Overview & ExpressVote Components
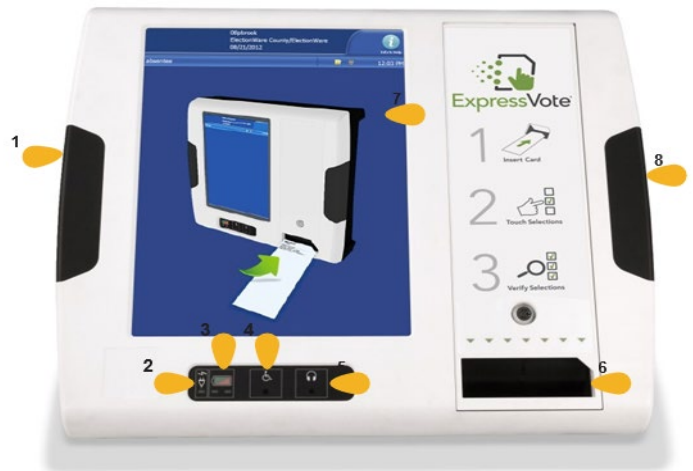
Preparing the ExpressVote® for Voting

1. Unlock and open the Access Compartment door. Turn the power switch to the ON position. Allow the ExpressVote® to complete its power-up process. Ensure the mode switch is set to VOTER to prepare the machine for voting. Close and lock the Access Compartment.
   a. Follow your jurisdiction requirements for securing the Access Compartment with seals.

   b. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.

2. ExpressVote® HARDWARE 2.1 LOCK AND SEAL RECOMMENDATIONS – The access compartment door can be locked and sealed with tamper-evident devices. Access to this compartment should be controlled, monitored, and logged at all times. Follow your jurisdiction's rules regarding security seals.
   a. A protective slide inside the access compartment helps to secure any installed USB flash drives, such as the election definition flash drive. Use a

T10 star-shaped screwdriver to loosen and tighten the retaining Torx screw on the slide.

b. Insert the necessary USB flash drive(s) into either of the two USB ports in the access compartment on the left side of the ExpressVote® unit. Once inserted, position the protective slide over the USB flash drive(s) and tighten the retaining screw.

3. On Election Day, secure slide with a seal.

Torx Screw and Protective Slide

Close the access compartment door. Use the medium barrel key to lock it.
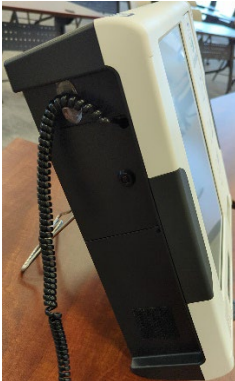
4. Use the medium barrel key to lock the right-side paper path access door.

5. When the ExpressVote® is configured on a standard table, secure the rear USB port by affixing a tamper-evident label seal as noted below in the photo.

Secure Label
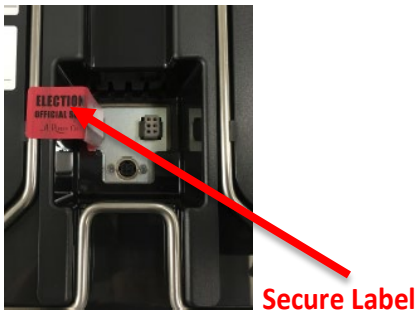
6. Ensure that the access door to the printer transport (on the front of the unit) is closed and locked with the medium barrel key to prevent access to the printing path.

Keyed Lock

7. Power and Mode switches: ES&S provides additional protection in the form of a protective slide to cover the USB flash drive ports. This device prevents unauthorized removal of the election definition flash drive while the compartment door is open.

8. When you receive a new ExpressVote® Hardware 2.1, a metal protective slide is already installed. The protective slide may be constructed of metal or plastic.

9. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.

10. If the Election Administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the Election Administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.

<u>Voting on the ExpressVote®</u>

(*Please see page 52 for instructions regarding ballot stubs for ExpressVote® ballot cards)

1. Initiate the voting session by inserting an unmarked ballot card into the paper ballot feed. If needed, select the appropriate precinct, ballot, and language.

2. To vote using the touch screen, select the contest or other candidate choice by touching it. To cast a write-in vote, touch the Write-in option and use the onscreen keyboard to enter the name. To navigate between contests, use the Next or Previous buttons on the bottom of the screen.

3. For assistive voting, plug headphones into the jack and detach the audio-tactile keypad from under the Access Compartment. Use the keypad to make selections, following the audio instructions on the headphones.

4. At the end of voting, verify your selections. Touch Print Card to print your completed card. Remove your ballot card from the paper ballot feed. Place your ballot card into your jurisdiction's ballot box or tabulation device.

NOTE: Only when asked by the elector may an election judge assist the elector when transporting the elector's ballot from the ExpressVote® to the ballot box. See the *Assisting Electors with Disabilities* section for additional information.

Voting on the ExpressVote

Vote Card Using Touch Screen

On the voting screens, touch the candidate or other contest choice to select. If there are more candidates than will fit on the screen, a yellow **More** bar appears at the bottom of the screen. Touch this to see remaining candidates.

To navigate between contests, touch the **Next** or **Previous** buttons in the Navigation Bar.

If you want to do a write-in vote, touch the **Write-in** option and use the on-screen keyboard to enter your write-in name. Touch **Accept**.

Vote Card Using Audio-Tactile Keypad

If you are using the ExpressVote for an accessible voting session, make sure the headphones are plugged into the Headphone Jack.

Use the controls on the Audio-Tactile Keypad to navigate the ballot, as instructed on page 16.

For contests allowing write-in votes, the letters will be read in alphabetical order on the ballot audio as you select letters for your write-in.

Editing Vote Selections & Casting a Ballot

Once all selections have been entered, the Verify Selections screen will display a summary of your ballot selections.

If needed, touch the contest for which you wish to make changes. Make the desired changes, and return to the Verify Selections screen.

When done verifying selections, the Print Card screen displays. Touch **Print Card** to print the completed ballot onto the activation card.

ExpressVote Universal Voting System Ballot Marking Device | EVS 6.0.4.0 | Poll Worker Guide v 1.1   Page | 8

<u>Shutting down & storing the ExpressVote®</u>

1. At the end of voting, unlock and open the Access Compartment. Turn the power switch to the Off position. Close and lock the Access Compartment.

2. Allow the ExpressVote® to completely power down. Remove the headphones and unplug the terminal from AC power. Store the ExpressVote® according to your jurisdictional instructions.

Powering Down the ExpressVote

Powering Down & Storing the ExpressVote

Using the barrel key, open the Access Compartment and set the Power Switch to Off. Remove the Election Definition media. Lock the Access Compartment door and remove the key.

Ensure all doors on the machine are locked.

Unplug the headphones and power cord from the ExpressVote system. Store according to the jurisdictional instructions.

More information: ExpressVote Operator's Guide, p. 33

Appendix A: Troubleshooting the ExpressVote

Jammed Ballot Card

PROBLEM: The card is jammed inside the ExpressVote equipment.

CAUSE: Although causes vary, the more typical reasons for card jams are:
- The card was inserted incorrectly, or
- The ExpressVote rollers are not functioning properly.

SOLUTION: Open the security compartment on the left side of the machine. Change the Mode Switch to OFFICIAL. Once the Main Menu appears, press the EJECT CARD button.

If the card does not eject, open the security panel on the right side of the machine. Locate the card and gently pull the card out of the machine. Remove the card jam being careful to not rip the paper. Close and re-lock the security panel. Follow your jurisdiction's procedures for spoiling and issuing a new card if necessary.

Screen Calibration Issues

PROBLEM: The voter pushes the oval for one candidate and another candidate is selected.

CAUSE: This could be caused by a dirty touch screen, or the alignment of the touch screen is not adjusted correctly.

SOLUTION: Put isopropyl alcohol on a soft cloth and wipe clean.

> **WARNING**: Do not use products containing ammonia, such as Windex. This can cause the screen to become deteriorated over time. Use only isopropyl alcohol for cleaning the touch screen and scanner.

If the screen calibration issue is not due to a dirty screen, please contact your Election Administrator.

Idle Error Message

PROBLEM: After several minutes, the following message appears on the ExpressVote screen:

> *"Continue Voting? There has been no activity for five minutes.*
> *Next Step: To continue voting, touch 'Previous'. To receive your card without printed selections, touch 'Exit'."*

CAUSE: This error message appears after the ExpressVote has been idle, with a card inserted for 5 minutes.

SOLUTION: If a voter is still using the ExpressVote, the poll worker will need to open the left security compartment and switch the Mode to Official. The card can be returned to the voter and be reinserted. Reinsert the card or follow your jurisdiction's spoiling procedures and issue a new card. If the voter has left the polling place, follow the steps above to retrieve the card and follow the spoil procedures.

> **NOTE**: The option to go back to previous screen in Voter mode only exists after 5 minutes of inactivity. If the terminal is inactive for another 5 minutes., you will need to go to Official mode and eject the card from the Main Menu.

Keep a copy of the Troubleshooting Guide with each Election Systems and Software (ES&S) ExpressVote®. Additional information is provided in the election day supplies.

The system manufacturer and Secretary of State election office are available to help with any ExpressVote® troubleshooting.

Please call ES&S 1-800-247-8683 or SOS Elections 406-444-9608 with issues or questions.

Appendix B: Additional Accessible Voting Options

Voting with the Rocker Switch Device

The rocker switch is a large-button, two-position switch assistive technology that can assist voter's who are unable to use the ExpressVote touch screen or the audio-tactile keypad. The rocker switch device can be hand-held, placed on a table, or placed on the floor for foot operation.

Voters can use Scroll/NO and Select/YES buttons to navigate on-screen ballot contests and select their voting choices. The rocker switch buttons feature both visible text and embossed Braille identification labels. The voter can use the following rocker switch controls to conduct the voting session.

To vote using the rocker switch, press the NO switch to sequentially scroll through the on-screen elements in a clockwise direction. If the voter scrolls past the desired selection, press NO to scroll through all subsequent clockwise selections to return to the desired voting choice.

Press the YES switch to highlight the desired on-screen element.

When the desired element is highlighted, press YES again to select the choice.

Voting with the Sip & Puff Device

Sip-and-puff refers to the assistive technology device commonly used by individuals with motor disabilities or limited dexterity. Voters use a mouthpiece to navigate on-screen ballot contests with inhalations (sips) and make their selections with exhalations (puffs).

The air tube is attached to a small switch box connected to the ExpressVote's auxiliary panel. The switch box converts sips and puffs into electrical signals that correspond to selection and navigation commands.

The voter should sip to sequentially scroll through the on-screen elements in a clockwise direction. Each sip highlights the next on-screen element. If the voter scrolls past the desired selection, the voter should sip through all subsequent clockwise selections to return to the desired voting choice.

The voter should puff to select the desired on-screen element.

Security procedures:

1. Ensure all voting system access points are sealed while polls are open.
2. Ensure all ballot box access points are sealed while polls are open.
3. Before removing or breaking a security seal, ensure more than one judge is present, (preferably one from each party).
4. Record on the log provided the number of the security seal removed and replacement seal as well as reason for removing seal.

6 - Model 100 (M100) Voting System Setup, Use, and Troubleshooting

6.1   Setup for M100 Ballot Tabulators

1. Ensure you have the M100 that was programmed for the polling location by examining the report the tabulator will print out when the election is opened.

2. If the Election Administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the Election Administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.

3. Remove the M100 from the transportation case and place it on the M100 ballot box if not already set-up.

4. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on the Chain of Custody and Security Seal Log.

5. Insert the female end of the cord through the opening on the left side of the ballot box.

6. Thread the cord through the opening on the back of the ballot box until it appears through the slot at the back of the top recessed area.

7. Pull the cord until it extends a few inches into the recessed opening.

8. Place the scanner about 1/3 of the way into the recessed area and slide it on the mounting rails until it is four to five inches from the back of the recessed area.

9. Plug the female end of the power cord into the Power Entry Module on the back of the scanner.

10. Using the brass ballot box key, unlock and lift the metal tab which covers the ballot box's ballot entrance slot (located in the back of the box's recessed area and marked with "LIFT TO OPERATE") so that the slot is exposed.

11. Slide the scanner until it is against the back of the ballot box, ensuring that the diverter connector at the back of the scanner slides into its mate on the ballot box. Leave the Counter Access Panel in the down position.

12. Plug the male end of the cord into a wall outlet. (If the cord is plugged in incorrectly, the message, "NO-AC" will appear when you turn on the scanner.)

    WARNING: Only plug the scanner into a grounded, three-pronged electrical outlet. Plug only one scanner into an outlet, if possible.

13. Open the door on the front of the scanner to access the two PCMCIA card slots.

14. Insert the card containing the desired election definition in the top slot. An arrow on the card indicates the proper horizontal orientation for inserting the card. The eject button next to the slot will stick out when the card is properly installed.

15. Secure the PCMCIA card slots by using a security tie on the metal door covering the two slots and record the number in the poll book.

16. Close and lock the Counter Access Panel in the UP position.

17. Check both ballot compartment side doors and verify that the ballot compartments are empty. Close, lock and use a security tie to secure both doors. Register security tie numbers in poll book and every replacement tie number as necessary.

18. Insert the scanner key and turn it to the OPEN/CLOSE POLL position. It will take approximately two minutes for the scanner to load the election definition from the card into its operating system. The scanner will display "S-MODE" in the upper left corner of the LCD screen and the message "ELECTION CARD INSERTED OPEN POLLS NOW?"

19. Press YES. The message, "PLEASE TURN KEY/SWITCH TO VOTE" appears.

20. Turn the scanner key to the VOTE position. After initializing, the scanner automatically prints an Initial State Report plus any other reports it was programmed to print. This may include a report showing no votes on the

scanner for each of the races and/or questions as well as a certification message.

21. Review the Initial State Report for accuracy. Ensure the date and time are set correctly (current date and time). Ensure the election information is correct (jurisdiction name, polling place, number of precincts, etc.). If any information is incorrect, call your election headquarters.

22. With the scanner in the VOTE mode, remove the scanner key and secure it in a safe place. Close the Key Access Panel.

6.2 M100 Ballot Tabulator Use

Electors will place the marked ballot into the M100 ballot tabulator. After the elector has done so, the ballot judge should be available in case there are questions or there is a problem. Ensure the elector does not leave until the ballot has been accepted.

Once the ballot is deposited into the M100 ballot tabulator, it cannot be retrieved.

For problems you cannot resolve, request help from the chief election judge or the polling place manager. Have the serial number of the precinct counter available (located on the back of the machine) and provide that information to the person resolving the problem. If this is the only precinct counter in the polling place and it is malfunctioning, open the emergency bin until a precinct counter replacement has arrived.

The following are system-generated messages – each election judge working with the M100 should know what the messages mean:

"BALLOT ACCEPTED"
- Ballot was accepted and counted. Vote count goes up by one.

"NO VOTES DETECTED ON BALLOT"
- Wait for the elector to ask what the error message means. (Especially in cases where the elector has cast a blank ballot, the elector may just choose to have the machine accept the ballot rather than ask what the error message means.)

- If an elector asks what to do, ask them if they marked the ballot with the marking instrument provided in the booth.

  - If they answer "yes," ask if they marked with X's or check marks. If yes, tell them they need to press the **RETURN** button, and go back into the booth to darken the ovals, or request a new ballot.

  - If they answer "no," instruct them to press the **RETURN** button, go back into the booth, and use the marking instrument provided.

- If the elector states that they want to leave the ballot blank, instruct them to push the **ACCEPT** button.

"ONE CONTEST HAS TOO MANY VOTES" (screen will indicate the race)

- Wait for the elector to ask what the error message means.

- Inform the elector they have marked more candidates than are allowed to be marked for that race.

- Instruct the elector that they can push the **RETURN** button to correct their ballot. Consistent with any additional specific procedures provided by the Election Administrator, such as spoiling the ballot and issuing a new ballot, you will allow them to go to the booth to correct their ballot.

- If the elector indicates they do not want to correct their ballot, inform the elector that every other race will be counted if there are no more over votes cast in those races. The elector will push the **ACCEPT** button to submit ballot.

"SKEWED BALLOT," "MISSED ORIENTATION MARKS," "BLACK CHECK ERROR," "DIDN'T READ ENOUGH LINES"

- Instruct the elector to reinsert their ballot in a different direction. Have the elector try to reinsert the ballot 3 times. If it does not scan, you will need to spoil the elector's ballot and have the elector mark a different ballot.

"MARGINAL MARK DETECTED"

- This means the elector made a marginal mark that the scanner is unsure whether to count or not.

- Wait for the elector to ask what the error message means.

- Inform the elector that the scanner detected an oval that is not completely marked.

- Instruct the elector to clearly review all ovals and make sure they are completely filled in. Then they can reinsert the ballot.

6.3 Troubleshooting the M100 Optical Scan Tabulator

Please keep a copy of this Troubleshooting guide with each ES&S M100. Please call ES&S 1-800-247-8683, SOS Elections 406-444-9608 or your county election office with issues or questions.

In addition to ballot voting instructions, give the elector the following guidance:
- Once you finish marking your ballot, please use the secrecy sleeve provided to deposit your ballot in the tabulator.
- Please wait for the tabulator to scan your ballot. If accepted, the number on the screen will increase by one per ballot sheet scanned.
- An error message will appear if there is a potential tabulation error on your ballot. Please read the message and either press <u>accept</u> to tabulate your ballot or press <u>reject</u> to have your ballot returned for possible changes. You may review your ballot for errors or signal an election judge for assistance.

If the tabulator fails during an election:
1. Open and store ballots in the emergency ballot storage bin until the tabulator can be repaired or replaced.
2. Reference most common troubleshooting problems below.
3. When available, deposit ballots in another tabulator and ensure tabulator will accept multiple precinct ballots.
4. Document machine number, date and time, problem and actions taken to remedy problem.
5. If problem persists, contact the Election Administrator or possibly request a replacement M100.

Security procedures:
1. Ensure all voting system access points are sealed while polls are open.
2. Ensure all ballot box access points are sealed while polls are open.
3. Before removing/breaking a security seal, ensure more than one judge is present, preferably one from each party.
4. Record on the log provided the number of the security seal removed, the number of the replacement seal, as well as the reason for removing/replacing the seal.

M100 Troubleshooting Chart

Problem (Error Message)	Probable Causes	Solution
No votes detected on ballot.	▪ Elector left ballot blank. ▪ Marks on the ballot are not dark enough. ▪ Marks are not inside the ovals.	▪ Have the elector look at the ballot, to see if marks are not dark or not marked inside of oval. ▪ The elector may vote replacement ballot or accept ballot as unmarked.
(No AC)	▪ Ballot Scanner is running on battery and is not plugged into AC power. ▪ Wall power outlet is defective.	▪ Check power cord at both ends to ensure connection is good. ▪ Try another outlet.
(Diverter Not Found)	▪ The scanner is not fully seated. ▪ Connection not made from diverter to ballot box.	▪ Unlock Access Panel door and ensure the ballot scanner is properly seated against the ballot box.
(No Election Card)	▪ Memory Card is not properly seated.	▪ Remove security seal and ensure memory card is properly seated. ▪ Reseal with new security seal and record removal and reason.
Ballot Jam	▪ Ballot Box diverter door is not open. ▪ Ballot is torn or folded and stuck in scanner.	▪ There may be a ballot jam in the back, pull out the unit, check for ballot, and open diverter door.
Multiple Ballots Detected	▪ More than one ballot was put through the scanner.	▪ Put ballots one at a time through the scanner.
Ballot Too Long	▪ Ballot stub was not removed.	▪ Remove ballot stub and insert ballot.
Printer does not print (Printer Time Out Abort Printing)	▪ Out of printing paper. ▪ Paper jam. ▪ Paper release lever is in the up position.	▪ Use Auxiliary Bin until the problem is resolved. ▪ Remove security seal, replace paper, and record security seal replacement. ▪ Ensure paper comes off from bottom of roll and feeds 'up' through printer.
Does not automatically print close of polls report.	▪ Media card is removed. ▪ Paper ran out. ▪ Paper is incorrectly oriented. ▪ Paper release lever is in the up position.	▪ Replace media card and manually print report. ▪ Replace paper supply. ▪ Correctly feed paper in printer. ▪ Depress paper release lever.

7 - DS200® Voting System Setup, Use, and Troubleshooting

7.1   Setup for Model DS200® Ballot Tabulators

1. Ensure that the DS200® was programmed for the polling location by examining the report the tabulator will print out when the election is opened.
2. If the Election Administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the Election Administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.
3. Take the DS200® from the transportation case and place the machine on the DS200® ballot box. Thread the power cord in through the back of the ballot box and insert the female end into the DS200®.
4. Counties using the DS200® may have M100 ballot boxes that will be retrofitted to accommodate the new machines. These changes will include a metal "plunger" that secures the DS200® into place.
5. Using the brass ballot box key, unlock and lift the metal tab which covers the ballot box's ballot entrance slot (located in the back of the box's recessed area and marked with "LIFT TO OPERATE") so that the slot is exposed.
6. Slide the scanner until it is against the back of the ballot box, ensuring that the diverter connector at the back of the scanner slides into its mate on the ballot box. Ensure that the metal plunger is up and that the DS200® can't move forward or backward. You can access the bottom of the plunger from the Auxiliary Bin.
7. Plug the male end of the cord into a wall outlet.
   WARNING: Only plug the scanner into a grounded, three-pronged electrical outlet. Plug only one scanner into an outlet, if possible.
8. Open the lid of the DS200®. The DS200® will automatically power on.

9. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.
10. Open the access door, located above the printer, and insert the USB drive into the USB port. Place removed security seal on the Security Seal log and record required information. If the DS200® has not powered on, press the Power button located next to the USB drive. Secure the door with a tamper-resistant security seal.
11. The system will initialize and a screen with the following options will appear, "Open Polls" and "Shutdown."
12. Press "Open Polls." Depending on options set for your election definition, the DS200® can automatically print a status report, a zero totals report and/or a zero certification report.
13. On the reports selection screen, choose either "Totals" only or "All precincts" to generate the Zero Report. Once the start-up reports are complete, close, lock and seal the switch door.
14. Check both Ballot Compartment side doors and verify that the ballot compartments are empty. Close, lock and use a security tie to secure both doors. Register security tie numbers in poll book and every replacement tie # as necessary.
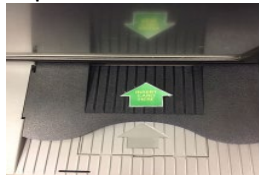
7.2   DS200® Ballot Tabulator Use

Electors will place the marked ballot into the DS200® ballot tabulator. After the elector has done so, the ballot judge should be available in case there are questions or in case there is a problem. Ensure the elector does not leave until the ballot has been accepted.

Once the ballot is deposited into the DS200® ballot tabulator, it cannot be retrieved.

For problems you cannot resolve, request help from the chief election judge or the polling place manager. Have the serial number of the precinct counter available and provide that information to the person resolving the problem. If this is the only precinct counter in the polling place and it is malfunctioning, remove the security seal, open, and use the emergency bin until a precinct counter replacement has arrived. Once a replacement unit arrives, make sure that the emergency bin is empty of all ballots and reseal the bin. Ensure that you log the removed and the replaced security seal in the Chain of Custody and Security Seal Log.

DS200® Troubleshooting Chart

Problem	Probable Causes	Possible Solution
"Election Definition Not Found"	The USB memory drive is missing, blank or not installed correctly.	➢ Ensure the USB memory drive is installed correctly in one of the slots available. ➢ If the DS200® is still unable to detect the card, contact ES&S for another USB memory drive.
Upper right hand corner display shows a red X through the power icon.	The DS200® is not plugged into the AC power cord or the wall outlet is defective.	➢ Check power cord is plugged in securely to the outlet and to the machine. ➢ Test all outlets. ➢ Check DS200® power cord for damage. Replace the cord if damaged.
The reports are generating, but no printing is visible on the paper.	The DS200® printer uses thermal paper and heat transfer to print the information. No visible print means the paper roll is inserted incorrectly.	➢ Reinsert the paper roll. Reprint report(s) as necessary.
What do I use to clean the exterior of the DS200® including the touch screen?	Dirt, grime, fingerprints, etc.	➢ The DS200® touch screen can be cleaned with isopropyl alcohol wipes or isopropyl alcohol on soft cloth.
Where do I insert the ExpressVote® ballot card into the DS200® tabulator?	The paper guide mounts into the input tray on the front cover. The paper guide is a solid unit that accommodates the 8.5" ballots below the guide and 4.26" vote summary cards in the slot above. 	➢ The touch screen animation shows election judges where to insert the paper ballot or ExpressVote® ballot card into the DS200®. ➢ The animation alternates between the paper ballot and ExpressVote® ballot card screens.

ELECTION DAY AT THE POLLS

SETUP FOR ALL ELECTIONS

Prior to the opening of the polls, election judges should:

1. Meet at the polling place at a time set by the Election Administrator. ([13-13-101, MCA](#))
2. Take and subscribe to the judges' official oath in the poll book. The judges may administer the oath to each other. ([13-4-105](#) and [13-13-101, MCA](#))
3. Check supplies provided by the Election Administrator using the checklist provided by the Election Administrator and/or in the *Polling Place "Quick Guides"* section of the Election Judge Handbook. ([13-13-101, MCA](#))
4. Verify the number of ballots including ExpressVote® Ballot cards delivered on ballot certification report or ExpressVote® activation card report.
5. Verify on the log provided all seal numbers.
6. Mark the signature lines in the precinct register for anyone issued a ballot after the registers were printed, **if the register is not already marked** *(see also Absentee Voters at the Polls subsection of the Absentee Voting and Absentee Ballots section for proper absentee procedures.)*
7. Set up the official table or tables with:
    a) Ballots in numerical order and according to instructions received from the Election Administrator
    b) Official ballot stamp and pad
    c) Secrecy sleeves/envelopes
    d) Precinct register
    e) Poll book
    f) Voter information pamphlets (during Federal General elections)
    g) One copy of the registered elector list
    h) One copy of the list of absentee electors
    i) Ballot box
    j) Box for ballot stubs and unvoted ballots
    k) Supply of registration forms, provisional ballot supplies, envelopes, provisional ballot instructions, polling place elector identification forms, and all other miscellaneous supplies as directed by the Election Administrator
    l) List of any filed write-in candidates (**do not post in plain view**)
8. Post or display at polling place:
    a) A list of the registered electors in the precinct ([13-2-115(3), MCA](#))
    b) Sample ballots for the precincts in at least one conspicuous location ([13-13-112(5), MCA](#))

c) "Montana Voter Information" notices in each poll booth and elsewhere in the polling place (*see next page).* (13-13-112, MCA)

d) "Warning" notices in conspicuous locations (*see sample below*) (13-13-113, MCA)

e) List of absentee electors in a conspicuous location (13-13-233, MCA)

9. Open the ballot box and stub boxes and ascertain that they are empty. Replace the security seal. Record the security seal number on the Chain of Custody and Security Seal Log.

10. Prepare supplies (secrecy sleeves, unvoted envelopes and proper writing tools to be used by elector to mark ballot).

> **Post the Montana Voter Information poster in each voting booth and elsewhere in the polling place.**

> **Post the Warning in conspicuous locations around the polling place.**

SAMPLE CHAIN OF CUSTODY AND SECURITY SEAL LOG
FOR BALLOTS AND ELECTION MATERIALS

Chain of Custody and Security Seal Log (page 1) This form must be used to track the chain of custody of ballots and media, and to track security seals.

Part 1 filled out by election administrator before delivery to polling place.

Part 3 to be filled out by chief judge before transport back to election office.

Ballots and Election Materials Chain of Custody & Security Seal Log
For the purpose of showing the control, transfer, and disposition of ballots and election materials during an election. Security seals, when removed, should be placed on the attached security seal log.

County:	Election Date:
Precinct:	Polling Place:

Part 1: Materials prepared at election office to be delivered to polling place (completed by election administrator)

Election Material Type:	Security Seal Serial #:

_____ _____
Signature of Election Administrator   Date

_____ _____
Signature of Witness   Date

Part 2: Materials received at polling place (completed by polling place manager before polls open)

Election Material Type:	Security Seal Serial #:

_____ _____
Signature of Polling Place Manager   Date

_____ _____
Signature of Witness   Date

Part 3: Materials leaving polling place (completed by election judge or polling place manager after polls close)

Election Material Type:	Security Seal Serial #:

_____ _____
Signature of Polling Place Manager   Date

_____ _____
Signature of Witness   Date

Part 4: Materials returned to election office (completed by election administrator)

Election Material Type:	Security Seal Serial #:

_____ _____
Signature of Election Administrator   Date

_____ _____
Signature of Witness   Date

NOTE: IF EARLY PICK-UP OF BALLOTS, THIS FORM MUST ACCOMPANY BALLOTS TO COUNTING LOCATION. A SECOND FORM SHOULD REMAIN WITH SEALED BALLOT CONTAINER TO BE COMPLETED FOR THE NEXT OR FINAL TRANSPORT.

Part 2 filled out by chief judge before polls open.

Part 4 to be filled out by election administrator upon return to the election office.

OPENING THE POLLS

Proclaim the opening of the polls aloud at the time set for opening. (13-13-101(2), MCA and 13-1-106, MCA)

GENERAL PROCEDURES BEFORE ELECTORS ENTER VOTING BOOTH

1. The elector may state their name and current address to assist the register judge in finding the elector in the register.

2. Ask the elector to show proper ID if they have it with them or have the elector get it if it is nearby. See *Identification* subsection in *Special Situations* section for more details. (13-13-114, MCA)

   Appropriate ID:
   - o Montana Driver's License,
   - o Montana state identification card issued pursuant to 61-12-501, MCA,
   - o military identification card,
   - o tribal photo identification card,
   - o United States Passport, or
   - o Montana concealed carry permit.
   - **OR** any form of **photo ID showing the elector's name**, including <u>but not limited</u> to a school district or postsecondary education photo identification
        AND one of the following*:
     - o a current utility bill,
     - o bank statement,
     - o paycheck,
     - o government check, or
     - o other government document that shows the elector's name and current address. A *polling place elector ID* form can fulfill the government document requirement (see *Identification* subsection in *Special Situations*)

        Note: these items can be presented via an electronic device.

        Example: *A vehicle registration with the voter's name/address is an acceptable other government document.*

3. Locate the name in the precinct register. The elector should be provided a new registration form if they indicate there is change in either their name or address. (If the elector's name is not in the register but the elector claims to be registered, see *Erroneous Omission from Precinct Register* in the *Special Situations* section*).

4. If the information presented is insufficient to verify the elector's identity and eligibility to vote or if the individual's name does not appear in the precinct register (and it is NOT erroneously omitted), the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601, MCA. See *Provisional Voting* section.

   o If the ID provided has information that differs from the information in the precinct register and the election judge determines the information provided is enough to verify the elector's identity and eligibility to vote, the elector may sign the register and vote. The elector must also complete an updated registration form.

5. If the individual fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-116, MCA is **not** provided, the elector may cast a provisional ballot as provided in 13-13-601. (13-13-114(3), MCA) See *Provisional Voting* section.

6. An **inactive** elector may reactivate their registration on election day by appearing at the polls or by requesting an **absentee ballot**. The elector may vote a **regular ballot** on election day at the county election administrator's office or a central location designated by the county election administrator (which may include the polling place). See 44.3.2015, ARM and *Inactive Electors* subsection in the *Special Situations* section (page 92).

7. Provisionally registered electors are identified in the register. If the provisionally registered elector provides required polling place ID and other missing information and the ID and/or information is verified by the election administrator, the elector can vote a **regular ballot**. If the provisionally registered elector does not provide a form of required ID or the ID number or other missing information cannot be verified by the election administrator, the elector may vote a **provisional ballot**. Inform the elector that the **provisional ballot** will be counted if the elector provides verifiable ID and any applicable missing registration information to the election office by 5pm the day following the election.

8. Write "registration form" in the precinct register beside the name of any elector submitting a new or updated form. (13-13-114(1)(d), MCA)

9. Have the elector sign the register by the elector's name – **MAKE SURE THEY SIGN ON THE CORRECT LINE.** One election judge shall pronounce the name loud enough to be heard by the poll book judge and all poll watchers present. ([13-13-114(1), MCA](#) and [13-13-120, MCA](#))

GENERAL PROCEDURES WHILE POLLS ARE OPEN

1. Voting stations must be arranged in a manner that will prohibit any other individual from seeing how the elector votes or has voted. Ensure voting stations for electors in wheelchairs have sufficient space and are the correct height. No more than one individual may occupy a voting station at one time, except when assistance is furnished to an elector as provided by law. An individual may not occupy a voting station longer than is reasonably necessary to prepare the elector's ballot, after which the election judges may affect the removal of the elector from the station. ([13-13-111. MCA](#))

2. Check from time to time to see that there are no stickers or campaign materials stuck on or in the voting booth or device. ([13-35-211, MCA](#))

3. Check to see that sample ballots are not marked. If machines or other devices are used, periodically check to see that everything is in good working order. ([13-35-206, MCA](#))

4. On election day, any elector's right to vote may be challenged by any registered elector by stating to you in writing the grounds of the challenge. If a challenge is made, see *Resolving Challenges* subsection in the *Special Situations* section. ([13-13-301, MCA](#))

GENERAL VOTING PROCEDURES

1. Enter the name of the elector next to the corresponding ballot number in the poll book. **The number in the poll book must correspond with the number on the stub** of the ballot given to the elector. ([13-13-115, MCA](#)) *Please see section below on handling ballot stubs for ExpressVote® ballot cards.*

2. The words "**Official Ballot**" must be stamped on the ballot without part of the mark appearing on the stub, if any. ([13-13-116, MCA](#))

3. The elector shall receive one of each type of ballot for which they are qualified. An elector who spoils the elector's ballot must be provided a replacement ballot. There is no limit to the number of ballots an elector can receive to replace spoiled ballots. If an individual spoils the elector's ballot, see the

Spoiled Ballots subsection in the *Special Situations* section. (13-13-116(2), MCA, and 13-13-117(1)(b), MCA)

4. Hand each elector the appropriate ballot(s), demonstrating to the elector the proper insertion of the ballot(s) into the secrecy sleeve/envelope.

5. Before the elector takes the elector's ballot(s) to the voting booth, make sure the elector understands the instructions and procedure, and remind the elector to use the marking device provided in the voting booth.

VOTING PROCEDURES FOR HAND-COUNT BALLOTS

1. After voting, the elector must hand the ballot to the election judge. A secrecy sleeve should be used in all elections to maintain uniformity and privacy. If no secrecy sleeve is used, the elector must hand the ballot to the election judge, folded so the ballot will be concealed, and the official stamp is visible.

2. Remove stubs in sight of the elector. Deposit each ballot in the ballot box, and the stubs in the detached stub box. (13-13-117, MCA)
   Note: Partisan Primary election – Each elector shall hand the marked and unmarked ballots separately to the election judge, identifying them as marked and unmarked ballots. The election judge shall, in the presence of the elector:
   a) remove the stubs from all of the ballots.
   b) deposit the unmarked ballot(s) and the stubs in the appropriate container.
   c) deposit the marked ballots in the voted ballot box.

3. The secrecy of the elector's ballot must be protected throughout the voting process.

AN ELECTION JUDGE SHALL PLACE THE BALLOT IN THE BALLOT BOX IMMEDIATELY WITHOUT ALLOWING ANYONE TO EXAMINE THE BALLOT. NOTHING OTHER THAN A BALLOT MAY BE PUT IN A BALLOT BOX. (13-13-117(2)(b), MCA)

VOTING PROCEDURES FOR M100/DS200® PRECINCT-LEVEL BALLOT TABULATORS

1. The elector shall place the voted ballots (with stubs attached) in the secrecy sleeve/envelope, and the ballot judge or designated judge shall remove the stub(s).
   a) Ballots are scanned by the elector inserting them into the ballot tabulator entry slot in any direction.
   b) The tabulator will display a message(s) if the voter needs to take further action before the ballot is tabulated. See *M100 Voting System Setup, Use,*

and Troubleshooting section and *DS200® Voting System Setup, Use, and Troubleshooting* section.

c) The ballot count on the display increases whenever the scanner successfully scans a ballot.

Note: Partisan Primary election – Each elector shall hand the unmarked ballots separately to the election judge, identifying them as unmarked ballots. The election judge shall, in the presence of the elector:

a) remove the stub(s) from all the ballots and
b) deposit the unmarked ballot(s) and the stubs in the appropriate container.

2. The secrecy of the elector's ballot must be protected throughout the voting process. Position yourself so that you do not view the elector's ballot.

Note: An elector may request that their ballot be counted by hand instead of using the tabulator. In this case, receive the ballot from the elector in the secrecy sleeve/envelope and tear off the stub(s). Return the ballot to the elector. Have the elector place it in an envelope marked "Hand-Count," and put into the ballot box.

AN ELECTION JUDGE OR VOTING SYSTEM (WHEN A PRECINCT LEVEL BALLOT TABULATOR IS BEING USED AT THE POLLING PLACE) SHALL PLACE THE BALLOT IN THE BALLOT BOX IMMEDIATELY WITHOUT ALLOWING ANYONE TO EXAMINE THE BALLOT. NOTHING OTHER THAN A BALLOT MAY BE PUT IN A BALLOT BOX. ([13-13-117(2)(b), MCA](13-13-117(2)(b), MCA))

EARLY PICK-UP AND EARLY COUNTING OF BALLOTS

1. Counting votes cast may begin before the polls close, if directed by the Election Administrator. Election judges, ideally one from at least two parties having ballot access, shall meet at a place designated by the Election Administrator. Judges doing the tabulating shall be in a separate room from where ballots are being cast.

2. Observers may not disclose any results learned before the close of polls under penalty of law. Observers of early counting shall complete and sign the following affirmation *"I, _____, will not discuss the results of the early counting of votes at any time prior to the closing of the polls on election day."* ([13-15-207(4)(a), MCA](13-15-207(4)(a), MCA))

3. Judges sign the two oaths provided by the Election Administrator. When votes are being counted prior to the close of the polls, in addition to the official oath taken and subscribed to by the election judges, the members of the counting

board shall complete and sign the following affirmation: " *"I, _____, will not discuss the results of the early counting of votes at any time prior to the closing of the polls on election day."* ([13-15-207(4)(a), MCA](#))

4. Duplicate boxes and poll books will be provided. **Note:** Make sure all ballots issued and marked in the poll book prior to the early pick-up are deposited in the (early pick-up) ballot box before the box is removed.

5. After verifying the security seal number on the Chain of Custody and Security Seal Log, open the ballot box, remove, and count the ballots to compare the total ballots in the ballot box with the number issued as recorded in the poll book, and record the numbers on the Ballot Reconciliation Report. The form must be given to the chief election judge or designee to be delivered to the election office.

6. Check the ballots to ensure the official ballot stamp appears on them.

7. Judges for hand-count ballots will count all votes on ballots in the first box. That box and the poll book should then be exchanged for subsequent boxes and poll books as necessary, reconciling total ballots to total issued in poll book each time.

8. Election Judges using a central tabulation center shall:
   a) Place ballots and poll book in the "Early Pick-up" container, marking the precinct number and total number of ballots enclosed (after reconciling on the Ballot Reconciliation Report the total number of ballots with total issued in poll book) on the outside of container.
   b) Officially seal the container as required and record the seal number on the Chain of Custody and Security Seal Log; and
   c) Relinquish the "Early Pick-up" container to authorized personnel for delivery to the counting center and obtain a receipt if required by the Election Administrator.

9. Vote counting continues until votes for all candidates and ballot issues are counted. With a 2019 legislative change, counting may now be discontinued and restarted on the next day. Any vote count must be open to public observation. The office canvass board must meet within 14 days of the election to canvass the returns.

10. Election judges and any other individuals with access to information may not disclose any results of early counting at any time prior to the closing of the polls on election day.

11. The Election Administrator may appoint extra election judges as marshals to be responsible for exchanging ballot boxes and poll books and monitoring the counting board room and observers.

HANDLING BALLOT STUBS AND POLL BOOKS FOR EXPRESSVOTE® VOTER ASSISTANCE TERMINAL BALLOT CARDS

The specific procedures for handling ExpressVote® ballot cards will vary depending on the type of tabulation equipment. Please consult with your Election Administrator regarding which option is used.

There are four options to track and reconcile ExpressVote® ballot cards:
1. If the ExpressVote® ballot cards have attached stubs, the ballot cards are handled and issued just like a regular ballot. The stub number is tracked and recorded in the poll book.
2. If the tabulation machines are not configured to read an ExpressVote® ballot card, the ballot card is handled as a transcription ballot ([13-3-208(3), MCA](#)). The ballot card is placed in a secrecy envelope and placed in the ballot box (or other depository for these ballots designated by the Election Administrator). The ExpressVote® ballot card issued is noted in the poll book. The secrecy envelope containing the ballot card is sent to the transcription board for transcribing and tabulation.
3. If the ExpressVote® ballot card doesn't come with a stub or if it will be hand-counted, the ballot card is processed as a regular ballot. However, for each ExpressVote® ballot card issued, a corresponding regular ballot and ballot stub number is issued and marked in the poll book with a notation that the ballot voted was an ExpressVote® ballot card. The blank unvoted regular ballot is marked by an election judge as "Voted by Express Vote" and placed into a depository designated by the Election Administrator. The corresponding stub is placed in the appropriate container. The voted ExpressVote® ballot card is placed in the ballot box.
4. A county may use an alternative option to track, record, and manage ExpressVote® ballot cards. This alternative procedure must be approved 45 days in advance of the election in writing by the Secretary of State's office. Please consult with your Election Administrator if your county is using an alternative ExpressVote® ballot card tracking option.

Ballot Reconciliation Report

Form is included in the back of each poll book and is used to reconcile ballots on Election Day.

COUNTY_____   PRECINCT _____

Ballot Reconciliation Report – find at the back of each poll book. Make sure you have 2 copies, one to be sealed and returned with each poll book, one for Election Administrator.

PART 1

1. Last ballot number issued _____
2. Subtract Void and Spoiled Ballots _____

3. **Subtotal** _____

4. Subtract number of ballots reserved for Absentee voting – see Certificate of Number of Ballots Sent to Polling Place Form (use the number from that form) _____

5. **Total number of paper ballots issued** _____

PART 2

6. Total number of paper ballots issued (same as Part 1, #5) _____

7. Subtract total number of unresolved provisional ballots _____

8. **Total number of ballots less unresolved provisional ballots** _____ *

These 2 numbers should match.

PART 3

9. **Total number of ballots in ballot box**   (sheet 1) _____*
                                                 (sheet 2) _____

(this number should be the actual number of ballots counted – the number of sheet 1 and sheet 2 ballots may be different).

*#8 and #9 should match. If they do not, fill out the reason below.

If number of ballots hand-counted does not reconcile with number from poll book ballot reconciliation, detail below how many ballots are short or in excess and any reason of which you are aware for the discrepancy:

_____

_____

Signatures of Judges:

_____   _____   _____

POLLING PLACE VOTING FLOW CHART

ELECTOR arrives at polls → **REGISTER JUDGE**

REGISTER JUDGE → **Ask for ID**

Ask for ID → **NO ID – send to PROVISIONAL JUDGE**

Ask for ID → **ELECTOR provides ID**

ELECTOR provides ID →

- **ID IS SUFFICIENT AND NO CHANGES**
- **IF ELECTOR STATES THAT ELECTOR'S VOTING INFORMATION HAS CHANGED,** give **ELECTOR** a voter registration form – mark the precinct register with "registration form" (if elector's residence address has changed, elector can vote one last time based on old address)
- **IF REGISTER INDICATES INDIVIDUAL IS "INACTIVE" – ELECTOR completes voter registration form (if VR information has changed)** before signing register
- **IF REGISTER INDICATES** Absentee Sent, Absentee Received, Absentee Undeliverable or Provisional – send to **PROVISIONAL JUDGE**
- **IF NAME NOT IN REGISTER** If not erroneously omitted, send to **PROVISIONAL JUDGE**

→ **ELECTOR signs register**

ELECTOR signs register → **POLL BOOK JUDGE**

POLL BOOK JUDGE: **Enter name and next ballot # - verify # with BALLOT JUDGE**

→ **BALLOT JUDGE**

BALLOT JUDGE: **Instruct ELECTOR using Script Sheet provided, if applicable**

→ **ELECTOR takes ballot to voting booth and marks ballot, takes ballot to JUDGE or SCANNER JUDGE**

JUDGE removes stub, places stub in stub box, places ballot in ballot box

If precinct counter is used, SCANNER JUDGE:

- Removes stub from ballot(s)
- Instructs **ELECTOR** how to place ballot into Scanner (ballot box) – **ELECTOR** watches number increase by 1
- If scanner beeps at **ELECTOR** – asks **ELECTOR** to read the display message. Instructs **ELECTOR** using Script Sheet provided, if applicable
- Gives ELECTOR "I VOTED" STICKER

PROVISIONAL JUDGE
See "Provisional Voting" section

ABSENTEE VOTING AND ABSENTEE BALLOTS

ABSENTEE VOTERS AT THE POLLS

1. Electors must be allowed to drop off absentee ballots at any polling place in the county that issued the ballot. This also applies to late registrants, who can return their ballots to the election office or any polling place in the county where the elector is registered to vote. For school district elections, ballots may be returned to any polling place in the school district.

2. An absentee or late registration ballot dropped off at a polling place other than the one in which the elector appears on the register must be:
   a. Delivered to the election office for signature verification and tabulation if tabulation of absentee ballots is done at a central location or as directed by the Election Administrator.
   b. Delivered to the election office for signature verification. The ballot will need to be delivered by the election office to the correct precinct if all counting is done at the precinct location or as directed by the Election Administrator.

3. An absentee or late registration ballot being dropped off at the polls that is not in the absentee signature envelope must be placed in a secrecy envelope which is then placed in an absentee signature envelope and must be signed by the elector.
   a. Any ballots that are dropped off that have no signature envelopes or unsigned signature envelopes must be treated as provisional ballots until the elector resolves the issue.

4. How to handle electors listed as absentee who show up at the polls:
   Note: Instances where the elector does not appear in the register, but is trying to return an absentee ballot, the elector may be a late registrant and may drop off the ballot at the polling place.
   a. If they have their absentee ballot, instruct them to mark the ballot in the voting booth, seal it in the secrecy envelope, and then seal the secrecy envelope in the signature envelope.
      1) The elector should then sign and date the signature envelope and exit the voting booth. Verify that the envelope has been signed by the elector, then place the signed envelope in the ballot box or other depository designated by the Election Administrator.
      2) If the elector does not have their absentee ballot, they must be handled as a provisional elector after they have affirmed that they did not receive their ballot or that the ballot was spoiled, lost, not received or destroyed. After the close of polls, the Election Administrator will need to determine

if their voted absentee ballot was received, and if so, the provisional ballot must be rejected. See *Provisional Voting* section.

5. How to handle electors who come in with an absentee ballot and request to vote it in the poll booth:

   a. Give the elector a secrecy envelope and absentee signature envelope instead of a secrecy sleeve and instruct them to vote the ballot in the voting booth. Instruct the elector to seal the voted ballot in the secrecy envelope, place it in the signature envelope, sign and date the signature envelope, exit the voting booth, and bring the signed and sealed signature envelope to the judges. Verify that the elector has signed the envelope and place the envelope into the ballot box (or other depository for absentee ballots designated by the Election Administrator.

   b. If you do not have an absentee secrecy envelope and absentee signature envelope, handle the ballot as a provisional ballot so the ballot totals match at the end of the night. Do not deposit the ballot in a ballot box if it is not in an absentee envelope.

BALLOT INTERFERENCE PREVENTION ACT (BIPA) IS ENJOINED BY COURT ORDER

(13-35-702, MCA)

A person may drop off an absentee ballot for another person and there is no record keeping necessary. An election judge should treat any dropped off absentee ballots as described above in *Absentee Voters at the Polls.*

DELIVERY AND RECORDING OF ABSENTEE BALLOTS

(13-13-233(3), MCA and 13-13-204(1), MCA)

(This section is for counties that do NOT have an appointed Absentee Ballot Counting Board. The counties that DO, please reference page 59 for instructions.)

1. The chief election judge shall receive in supplies a container with voted absentee ballots that were received by the Election Administrator prior to election day, with a certificate stating:

   a. the number of absentee ballots delivered,
   b. the number of ballots retained for late absentee voting, and
   c. the names and number of electors receiving an absentee ballot.

2. See also *Provisional Voting* section.

PROCESSING ABSENTEE BALLOTS DELIVERED TO THE POLLS FROM THE ELECTION OFFICE
(13-13-241, MCA)

Note: Signature verification will likely take place at the election office before ballots are delivered to the polls. If a county is tabulating absentee ballots at a central location, the county election office will not deliver absentee ballots to the polls.

1. If not completed by the election office prior to absentee ballots being delivered to the polling place, compare the signature of the elector on the absentee ballot request form or voter registration form with the signature on the elector's signature envelope. The signature must match, and the affirmation must be completed.
2. If the signature does not appear to match or if there is no signature, and if, after the elector is notified pursuant to (13-13-241(5), MCA, the elector fails to affirm or provide the signature by the close of polls, handle the ballot as a provisional ballot*. (*See also *Provisional Voting* section*.)*
3. Open the verified absentee ballot signature envelope without opening the secrecy envelope.
4. If the elector is listed in the register **and is not listed as provisionally registered**, handle the ballot as a regular ballot by either placing the secrecy envelope in the voted ballot box, or by placing the secrecy envelope in a container specified by the Election Administrator for absentee ballots delivered to the polls.
5. If the elector is listed in the register as **provisionally registered**, make sure evidence of eligibility, elector identification form, or copies of ID are enclosed as required*. (*See also the *Provisional Voting* and the *Identification* subsection in the *Special Situations* section*.)*
6. After opening the absentee ballot signature envelope and if the ballot has not been placed in a secrecy envelope, without unfolding the ballot or permitting it to be examined, place the ballot in a secrecy envelope, and place the secrecy envelope in the proper ballot box.
7. **Primary Election** – Unvoted absentee ballots, if returned, shall be deposited in the unvoted ballot box without being removed from the "For Unvoted Party Ballot(s)" envelopes.
8. Place empty absentee ballot signature envelopes in the envelope or container marked for that purpose.

ABSENTEE BALLOT COUNTING BOARD
(13-13-241, 13-15-104 & 13-15-207, MCA)
(For counties WITH an appointed Absentee Ballot Counting Board).

1. Absentee ballots may be counted one day prior to election day by automatic tabulation. If hand counting, absentee ballots are counted on election day.
2. At the Election Administrator's discretion, absentee ballots may be opened and prepared up to three business days before the election. For counties with less than 8,000 registered electors or less than 5,000 absentee electors at the close of regular registration, absentee ballots may be opened and prepared no sooner than one business day before the election.
3. Election judges and any individuals having access to information may not disclose any results of early absentee counting at any time prior to the closing of the polls on election day.
   a. Election judges must sign the two oaths provided by the Election Administrator. When votes are being counted prior to the close of the polls, in addition to the official oath taken and subscribed to by the election judges, the members of the counting board shall complete and sign the following affirmation: "*I, _____, will not discuss the results of the early counting of votes any time prior to the closing of the polls on election day.*" (13-15-207(4)(a), MCA)
4. If counting is to begin before the polls close, the absentee ballot counting board must be in a room separate from where ballots are being cast. Ensure that no individuals are able to provide election results before the close of polls.
5. Start the count of all absentee ballots for all precincts at the time set by the Election Administrator.
6. Observers must also complete and sign the following affirmation "*I, _____, will not discuss the results of the early counting of votes any time prior to the closing of the polls on election day.*"

REJECTED ABSENTEE BALLOTS
(13-15-108, MCA)

1. Enclose any rejected absentee ballots in an envelope marked "REJECTED BALLOT(S) OF ABSENTEE ELECTORS." Include the application, if any, and all envelopes.
2. After being handled and marked as provided above, all rejected ballots must be secured in a package or container in which the voted ballots are to be placed or within the same secure area, if necessary, and the package or container must

be sealed, dated, and marked. After the package or container is sealed, it may not be opened without a court order.

UNOPENED ABSENTEE BALLOT IN BALLOT BOX

If a signature envelope containing an absentee ballot is found unopened in the ballot box and the envelope has not been marked "Rejected," it shall be opened without a court order and the ballot counted after verification of the signature as outlined above. (13-13-244, MCA)

ABSENTEE ELECTORS: IDENTIFICATION AND PROVISIONAL BALLOTS

1. A **legally registered elector** who votes by absentee ballot is not required to return identification with the elector's absentee materials. Verification of the legally registered elector's signature on the signature envelope with the signature on the elector's absentee application or registration form is sufficient identification. Similarly, verification of a legally registered mail ballot elector's signature on the signature envelope with the signature on the elector's registration form is sufficient identification.

2. A **provisionally registered elector,** in addition to other requirements of law per 13-13-201, MCA, must fill out and enclose the provisionally registered elector ID form that is normally sent with the provisional absentee ballot **or** a voter registration form along with:

   a. a Montana driver's license number, Montana state identification card number issued pursuant to 61-12-501, MCA, or the last four digits of the applicant's social security number; **or**

   b. a readable copy of a military identification card, a tribal photo identification card, a United States passport, a photo identification card issued by a Montana college or university, or a Montana concealed carry permit; **or**

   c. a readable copy of any other form of photo identification with the individual's name; **and** a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address or other information necessary to determine the elector's eligibility to vote.

   3. The elector's ballot must be handled as a provisional ballot under 13-15-107, MCA, if a provisionally registered elector voting by mail does not enclose with the ballot the information described; or the information provided is invalid or insufficient to verify the elector's eligibility; or the elector's name does not appear on the precinct register.

PROVISIONAL VOTING

INACTIVE ELECTORS

An **inactive** elector may reactivate their registration on election day by appearing at the polls or by requesting an **absentee ballot**. The elector may vote a **regular ballot** on election day at the county election administrator's office or a central location designated by the county election administrator (which may include the polling place). See 44.3.2015, ARM.

PROVISIONALLY REGISTERED ELECTORS

- If the provisionally registered elector provides required polling place ID and other missing information and the ID and/or information is verified by the election administrator, the elector can vote a **regular ballot**.
- If the provisionally registered elector does not provide a form of required ID or the ID number or other missing information cannot be verified by the election administrator, the elector may vote a **provisional ballot**. Inform the elector that the **provisional ballot** will be counted if the elector provides verifiable ID and any applicable missing registration information to the election office by 5pm the day following the election.

REASONS FOR CASTING A PROVISIONAL BALLOT

1. Individual's name is not in the precinct register. *(See Erroneous Omission from Official Register.)*

2. Precinct register indicates that elector is provisionally registered, which could not be resolved.

3. Elector claimed registration with the Motor Vehicle Division or other government agency, which could not be confirmed.

4. Elector appears in the precinct register as having been issued an absentee ballot but stated that the absentee ballot was not received or was spoiled, lost or destroyed.

5. Elector's right to vote was challenged. See *Resolving Challenges* subsection in the *Special Situations* section.

6. Elector's identification or registration information was incorrect or insufficient.

ERRONEOUS OMISSION FROM OFFICIAL REGISTER

An individual whose name is erroneously omitted from the precinct register may secure from the Election Administrator a certificate of the error, stating the precinct in which the individual is entitled to vote, and present the certificate (which will entitle the individual to vote a regular ballot) to the election judges. See also *Erroneous Omission from Precinct Register* subsection in the *Special Situations* section.

- The certificate shall be marked "Voted" by the election judges and returned to the Election Administrator with the precinct register. The individual should sign the back of the precinct register or a location specified by the Election Administrator.
- If the individual is unable to secure a certificate of erroneous omission from the Election Administrator, but the chief election judge of the precinct can confirm such erroneous omission by contacting the election office, the individual may vote a regular ballot by signing the oath that the individual's name was erroneously omitted.
- If the Election Administrator cannot confirm that the individual's name was mistakenly omitted, then allow the individual to vote a provisional ballot if the individual chooses to do so. Have the individual complete the provisional ballot form and give them instructions on what their responsibility is to have the ballot counted. Alternatively, the individual can go to the county election office to resolve the issue.

ELECTOR HAS BEEN ISSUED AN ABSENTEE BALLOT

If the elector requested an absentee ballot and is asking to vote at the polling place because they lost, spoiled, did not receive, or destroyed the absentee ballot, have the elector complete the provisional ballot form and a provisional ballot. Give the elector the instructions on what their responsibility is for their ballot to be counted. Under normal circumstances, the Election Administrator will count the provisional ballot unless it is determined that the elector has already voted by previously submitting their absentee ballot.

ELECTOR HAS BEEN CHALLENGED

If the elector was challenged by another elector and the challenge was not resolved (See *Resolving Challenges* subsection in the *Special Situations* section*),* have the challenged elector complete the provisional ballot form, and give the elector the instructions on what the elector's responsibility is to have the elector's ballot counted.

ELECTOR DOES NOT HAVE ID

If the elector states that they forgot identification and do not have it nearby, ask them if they can complete the Polling Place Elector Identification Form and provide a photo ID. If the elector can complete this form, verify the ID number provided by contacting the county election office. (See *Polling Place Elector Identification Form* subsection in the *Special Situations* section*.*)

If the elector cannot complete the Polling Place Elector Identification Form, or the ID number provided on it cannot be verified, or they don't have other forms of appropriate ID, instruct the elector on how to vote a provisional ballot. Ask the elector to complete the Provisional Ballot Outer Envelope Form. Give the elector the written instructions on what their responsibility is to have the ballot counted and send the elector to the correct area to receive a provisional ballot (see below).

PROVISIONAL BALLOT VOTING PROCEDURE

Once the elector has received the instructions and completed the Provisional Ballot Outer Envelope Form, they will go back to the table for the elector's precinct. The register judge will have the elector sign the register. If the name is not in register, they will sign the back of the register, or a location specified by the Election Administrator.

The ballot judge will instruct the elector how to mark their ballot. The judge will remove the stub(s) from the ballot(s) and place them inside the Provisional Ballot Outer Envelope. When the elector returns with the secrecy envelope and Unvoted Ballot Envelope in a primary election, the elector will place the secrecy envelope in the Provisional Ballot Outer Envelope that has the stub(s) and seal the provisional envelope. The election judge will place the Provisional Ballot Outer Envelope in the Unverified Provisional Ballot Container.

RESOLVING THE PROVISIONAL BALLOT

If the elector returns to the polling place later on election day and resolves the issue that led to their ballot being voted provisionally, an election judge will retrieve the envelope from the Unverified Provisional Ballot Container, instruct the elector to remove the ballot from the secrecy envelope, and place it in a secrecy sleeve to be placed in ballot box. In a primary election, the judge will place Unvoted Ballot Envelope in an Unvoted Ballot Box. The judge will then place the stub(s) in the stub box. The empty Provisional Ballot Outer Envelope will be placed in the Verified Provisional Ballot Container.

PROVISIONAL BALLOT COVER SHEET/OUTER ENVELOPE SAMPLE

Provisional Ballot Cover Sheet/Outer Envelope

ENVELOPE TO BE FILLED OUT AT POLLING PLACE OR ELECTION OFFICE BY ELECTION JUDGE/OFFICIAL AND ELECTOR AND PROVIDED TO ELECTION ADMINISTRATOR WITH POLLING PLACE MATERIALS

PART 1: TO BE COMPLETED BY ELECTOR:

PRINTED NAME:_____ FORMER NAME IF APPLICABLE:_____

MONTANA DRIVER'S LICENSE OR STATE ID NUMBER:_____

If you DO NOT have a Montana Driver's License number, provide last four digits of your Social Security number:_____

Date of Birth:_____ Phone Number(s):_____

Residence Address (*address/city/zip*): _____

Additional information if any regarding your voter registration that would help resolve the provisional ballot:

_____

I (signature of elector) swear or affirm that I am eligible to vote in this election and precinct, that all of the information I provided on this form is true to the best of my knowledge and belief and that I am aware of the penalty for false swearing.

PART 2: TO BE COMPLETED BY ELECTION JUDGE/OFFICIAL: PRECINCT/WARD/DISTRICT NAME/#_____

Elector was instructed to cast a provisional ballot for the following reasons: *(check all that apply)*

☐ Name not in official register and not erroneously omitted
☐ Elector claims registration with Motor Vehicle Division or other government agency, which could not be confirmed
☐ Elector failed to sign register
☐ Elector failed to sign absentee ballot envelope
☐ Elector's absentee signature was not verified
☐ Elector's right to vote was challenged

☐ Register indicates provisionally registered, which could not be resolved
☐ Elector affirmed that absentee ballot was not received, or was spoiled, lost or destroyed
☐ Elector's identification was insufficient
☐ County-to-county late registration in election office
☐ Precinct-to-precinct late registration in election office
☐ Other

ELECTION JUDGE/ELECTION OFFICIAL SIGNATURE: _____ DATE: _____

PART 3: TO BE COMPLETED BY ELECTION OFFICIAL RESOLVING PROVISIONAL BALLOT:

Elector registered in Precinct/Ward/District Name/#_____ Voted in Precinct/Ward/District #_____

Voter ID#_____

Provisional Ballot Accepted: Yes [   ]   No [   ]

Reasons Ballot Accepted: *(circle all that apply)*	Reasons Ballot Was Rejected: *(circle all that apply)*
Name omitted from register in error	Not registered: (circle, if applicable: canceled/ wrong precinct, district, ward / wrong county)
Motor Vehicle or other government agency error	Motor Vehicle or other government agency has no record of registration
Elector provided signature	Elector never provided signature
Elector signed absentee ballot envelope	Elector never signed absentee ballot envelope
Elector's absentee signature was verified	Elector's absentee signature was never verified
Challenge resolved in challenged elector's favor	Challenge resolved in challenger's favor
Provisional registration was resolved	Provisional registration was not resolved
Absentee ballot not received	Absentee ballot received and accepted
Elector provided sufficient identification	Elector never provided sufficient identification
Confirmed that county-to-county late registrant did not vote in prior county	Confirmed that county-to-county late registrant voted in prior county
Confirmed that precinct-to-precinct late registrant did not vote in prior precinct	Confirmed that precinct-to-precinct late registrant voted in prior precinct
Other:	Other:
Processed by _____ Date processed for resolution: _____ Date voter notified_____	

Provisional Judge assists elector in filling out this portion of the envelope – make sure the elector signs this section.

Provisional Judge fills this section out, signs and gives to elector to take back to the register judge.

This section is completed by election official when resolved.

PROVISIONAL VOTING FLOW CHART

PROVISIONAL JUDGE

INSUFFICIENT ID - proceed with provisional ballot

NAME NOT IN REGISTER – contact ELECTION OFFICE to see if erroneously omitted or registered in another precinct. Follow instructions from ELECTION OFFICE on how to proceed

ABSENTEE SENT, ABSENTEE RECEIVED or ABSENTEE UNDELIVERABLE – proceed with issuing a provisional ballot

PROVISIONAL ON SIGNATURE LINE IN REGISTER – ask ELECTOR for required ID; contact ELECTION OFFICE to verify ID and provisional registration information. If required ID cannot be verified and provisional registration not resolved, proceed with issuing a provisional ballot.

Depending on what ID is insufficient offer ELECTOR Polling Place Elector ID form or have ELECTOR complete DECLARATION OF IMPEDIMENT. JUDGE gives provisional ballot outer envelope form to ELECTOR

POLL BOOK JUDGE – enters ELECTOR name and enters next ballot #

ELECTOR receives and completes Part 1 of provisional form (large manila envelope – forms are located in PROVISIONAL JUDGE supplies)

REGISTER JUDGE – asks ELECTOR to sign register. If name not in register have ELECTOR sign back of precinct register.

ELECTOR signs register

BALLOT JUDGE – Verifies ballot # with POLL BOOK JUDGE

PROVISIONAL JUDGE completes Part 2 of provisional form, making sure to write down polling place & precinct on form

BALLOT JUDGE – removes stubs, places in Provisional Envelope (large manila envelope). Gives ballots and secrecy envelope to ELECTOR (secrecy envelope is in BALLOT JUDGE materials)

ELECTOR returns to REGISTER JUDGE with provisional form (once Part 1 & 2 of the form are completed)

PROVISIONAL JUDGE will place Provisional Ballot Outer Envelope with ballot enclosed into the Unverified Provisional Ballot Container

BALLOT JUDGE – places secrecy envelope inside Provisional Ballot Outer Envelope (large manila envelope)

ELECTOR marks ballot and returns secrecy envelope, with marked provisional ballot in it, to BALLOT JUDGE

ASSISTING ELECTORS WITH DISABILITIES

ASSISTING ELECTORS WITH DISABILITIES
([13-13-119, MCA](#))

1. When an elector with a disability enters a polling place, an election judge shall ask the elector if they want assistance.
   - An elector who needs assistance in marking their ballot because of disability or inability to read or write may choose a person to assist, including an election judge, persons under the voting age, persons not registered to vote, **or an agent as designated on a form prescribed by the Secretary of State.** ([13-1-116, MCA](#))
   - **Exception**: The elector CANNOT BE ASSISTED by the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union. Ask whether the person helping is the elector's employer, employer's agent, or officer or agent of the elector's union. If the person offering to assist is one of those individuals, the elector must choose someone else to assist.

2. If the elector asks for assistance in voting from election judges, it is preferable that two judges from different political parties assist. If the elector objects to two judges, assistance may be given by one judge. The election judges and the elector will complete the "*Oath of Elector Needing Assistance within Polling Place*" (*see Oath of Elector Unable to Enter Polling Place form*).

3. Indicate next to the elector's name in the precinct register that the ballot was marked with assistance. The person assisting the elector must also sign next to the name of the elector in the precinct register. No one assisting the elector may reveal information about the elector's ballot.

ELECTOR UNABLE TO SIGN THE PRECINCT REGISTER
([13-1-116, MCA](#))

1. An elector unable to sign their name **CANNOT** be denied the right to vote because of an inability to sign the precinct register.

2. A notation must be made in the precinct register on the signature line for an elector who is unable to sign.

   Ask the elector to make a mark of some sort on the signature line by their name. Unless the elector objects, the best mark would be a thumbprint or fingerprint from the elector. The judges should enter a notation next to the fingerprint that the elector was unable to sign the register.

3. At a minimum, judges must enter on the signature line by the elector's name the words "Elector unable to sign register" and the time of day this individual voted.

ELECTOR UNABLE TO ENTER THE POLLING PLACE
([13-13-118, MCA](#))

1. Chief election judges may appoint two election judges who represent different political parties (if available) to take a ballot to an elector who is able to come to the premises where a polling place is located but is unable to enter because of a disability.

2. If an elector is unable to enter the polling place, ask the elector to sign the *Oath of Elector Unable to Enter Polling Place* form. In the precinct register by the elector's name, write: "Voted on the premises by oath." Election judges shall sign their names on the form and in the precinct register. Tape the signed oath near the elector's name in the precinct register, which eliminates the need to take the precinct register out to the elector.

3. Bring the ballot to the elector and ask the elector for identification. When the elector marks and folds the ballot or places the ballot in a secrecy sleeve, immediately take the ballot into the polling place and give the ballot to the ballot box judge, who will remove the stub and place the ballot and stub in the proper boxes. Compare the elector's name and address to the information printed in the precinct register and follow the standard procedure for a poll voter.

4. For challenges to any elector's right to vote, see the *Resolving Challenges* subsection of the *Special Situations* section.

USING THE AutoMARK™ OR ExpressVote® VOTER ASSIST TERMINALS

Each absentee voting location and polling place must have accessible voting equipment available. The equipment used in Montana is either AutoMARK™ or ExpressVote®, which are specialized voting machines that allow any elector to mark their ballot **privately** and **independently**.

The AutoMARK™ and ExpressVote® have features that include a touchscreen, large-print display, braille keypad, earphones for audio reading of the ballot, and capability for connection to personal ADA devices such as a "Sip and Puff" device. The AutoMARK™ does not record or count votes, but only marks a ballot and prints the marked ballot out for processing as any other ballot. The ExpressVote® records votes on a separate ballot card that can be verified by the voter and tabulated. See Polling Place "Quick Guides" sections 4 and 5 for information on the AutoMARK™ and ExpressVote®.

CLOSING THE POLLS

CLOSE OF POLLS

1. Shortly before 8:00 p.m. (or earlier if all registered electors have voted), proclaim that the polls will soon close, and proclaim the closing of the polls at closing time. (13-13-101(2), MCA)

2. No person shall be allowed to vote after the polls are closed, unless it is certain that the elector was inside the polling place before closing time or in line outside if the polling place is not large enough to accommodate the electors waiting to vote. A procedure must be in place for determining the last person in line at 8:00 p.m.

PROCEDURES FOR CLOSE OF POLLS FOR AutoMARK™

The following procedures must be carried out by an election judge trained to operate each type of equipment and at the direction of the Election Administrator. Follow all security procedures as directed by the Election Administrator.

1. Verify security seal information against the Chain of Custody and Security Seal Log. Enter information into the log, sign, and date.

2. Insert the brass mode switch key into the mode switch and turn to the "Off" position.

3. The Uniform Voting Systems Guide recommends leaving the compact flash card sealed in the AutoMARK™ as this machine does not store any results on the card. The media card should be removed at the county election office before storage.

4. Disconnect headphones and power cord from the AutoMARK™.

5. Store headphones, power cord, and cardboard secrecy sleeves in transport case.

6. Lift up under ballot feed tray, fold inwards, and tray will drop into place.

7. Open the lid and fold the touch screen back into the recessed area.

8. Lower the lid over the touch screen.

9. Lower the lid flap over the ballot feed tray.

10. Move the lid latches into the innermost position to secure the lid.

11. Place AutoMARK™ in transport case and store in a secure location for pick up.

PROCEDURES FOR CLOSE OF POLLS FOR ExpressVote®

The following procedures must be carried out by an election judge trained to operate each type of equipment and at the direction of the Election Administrator. Follow all security procedures as directed by the Election Administrator.

1. Verify the security seal information against the Chain of Custody and Security Seal Log. Enter information into the log, sign, and date.

2. At the end of voting, unlock and open the Access Compartment.

3. Turn the power switch to the OFF position.

4. Close and lock the Access Compartment.

5. Allow the ExpressVote® to completely power down.

6. Remove the headphones and unplug the terminal from AC power.

7. Store the ExpressVote® according to your jurisdictional instructions from the chief election judge or Election Administrator.

8. Ensure that any unvoted ExpressVote® Ballot Cards are secured and stored with the other unvoted ballots.

9. Store the ExpressVote® in a secure location for pick up.

PROCEDURES FOR CLOSE OF POLLS FOR M100 BALLOT TABULATORS

The following procedures must be carried out by an election judge trained to operate each type of equipment and at the direction of the Election Administrator. Follow all security procedures as directed by the Election Administrator.

1. Before closing the polls, make sure that all ballots from any eligible voters have been inserted into the M-100.

2. Check both of the ballot boxes' Uncounted Ballot Storage Bins (also known as the auxiliary or emergency bin) for uncounted ballots. Follow your procedures for processing uncounted ballots.

3. Remove the security seal, open the Key Access Panel, insert the scanner key, and turn it to the OPEN/CLOSE POLL position. Make sure to put the used seal on the Chain of Custody and Security Seal Log and update the required information.

4. Press CLOSE POLLS to officially close the polls. The scanner will automatically print a series of reports that may include a Status report, Poll or Precinct report, and Certification report. The POLLS CLOSED menu appears after the scanner prints all the pre-programmed reports.

REMOVING THE PCMCIA CARD AND BALLOT FROM THE SCANNER

1. Turn off the scanner, **this step is extremely important.**

2. Unlock and open the door on the front top of the ballot box to access the PCMCIA card.

3. Remove the security seal and open the door. Place used seal onto the Chain of Custody and Security Seal Log.

4. Remove the PCMCIA card by pushing the eject button located to the right of the card.

5. Attach or place PCMCIA card in a single envelope with corresponding M-100 printer report to be returned to the Election Administrator in sealed envelope #11 or in container specified by Election Administrator. See the *List of Envelopes for Ballots and Supplies* subsection in the *Appendix* section*.

6. Open both ballot boxes' ballot compartments and remove the ballots. Be sure to follow the specific ballot handling procedures as directed by the Election Administrator.

DISASSEMBLING THE SCANNER

1. Turn the key to the OFF position. Remove the key and store it as prescribed by your election procedures.

2. Verify security seals and fill out the Chain of Custody and Security Seal Log.

3. Ensure the Key Access Panel and Printer Access Panel are closed and sealed.

4. Unplug the scanner from the outlet.

5. Pull the scanner forward about 4-5 inches and disconnect the power cord from the scanner.

6. Pull the cord out of the ballot box and set it inside the scanner's carrying case.

7. Slide the scanner forward until it is free of the ballot box's mounting rails. Place the scanner inside the carrying case.

8. Make sure there are no ballots in the ballot box.

9. Lock all ballot box doors.

10. Return all scanner keys and ballot box keys to the chief election judge to be secured and returned to the Election Administrator.

PROCEDURES FOR CLOSE OF POLLS FOR MODEL DS200® BALLOT TABULATORS

The following procedures must be carried out by an election judge trained to operate each type of equipment and at the direction of the Election Administrator. Follow all security procedures as directed by the Election Administrator.

1. Before closing the polls, make sure that all ballots from any eligible voters have been inserted into the DS200®.

2. Check both of the ballot boxes' Uncounted Ballot Storage Bins (also known as the auxiliary or emergency bin) for uncounted ballots. Follow your procedures for processing uncounted ballots.

3. Remove the security seal, open the Key Access Panel, and press and hold the "Close Polls" button for five seconds.

4. Once you release the "Close Polls" button, the DS200® will close the polls and automatically print a Voting Results Report and any other reports that are set up to print.

REMOVING THE USB FLASH DRIVE AND BALLOTS FROM THE SCANNER

1. Turn off the scanner. **This step is extremely important.**

2. Remove the security seal and open the access door.

3. <u>Do not remove the flash drive until the machine is powered off.</u>

4. Remove the flash drive by pulling it out of the USB port.

5. Attach or place flash drive in a sealed envelope with corresponding DS200® printer report to be returned to the Election Administrator in sealed envelope #11 or in container specified by Election Administrator. See *List of Envelopes for Ballots and Supplies* subsection in the *Appendix* section.

6. Open both ballot boxes' ballot compartments and remove the ballots. Be sure to follow the specific ballot handling procedures as directed by the Election Administrator.

DISASSEMBLING THE SCANNER

1. Ensure the machine is off. Lock and seal the access panel and store the key as prescribed by your election procedures.

2. Ensure the Key Access Panel and Printer Access Panel are closed and sealed.

3. Unplug the scanner from the outlet.

4. Pull the scanner forward about 4-5 inches and disconnect the power cord from the scanner.

5. Pull the cord out of the ballot box and set it inside the scanner's carrying case.

6. Slide the scanner forward until it is free of the ballot box's mounting rails. Place the scanner inside the carrying case.

7. Make sure there are no ballots in the ballot box.

8. Lock all ballot box doors.

9. Return all scanner keys and ballot box keys to the chief election judge to be secured and returned to the Election Administrator.

BALLOT COUNTING AND TABULATING

GENERAL COUNTING/TABULATING PROCEDURES

- In general, counting of ballots may not begin before election day. However, counting of absentee ballots via automatic tabulation is allowed one day prior to election day (13-15-104, MCA).

- The count of votes must be public, and anyone can observe the count. No one may interfere with the count. Anyone observing the count may not discuss the results at any time prior to the close of the polls on election day (13-15-101, MCA & 13-15-207(4)), MCA

- The count of votes may stop and recontinue. However, the canvass board must meet "… *within 14 days after each election to complete the canvass of returns.*" (13-15-401, MCA).

- If an elector does not mark a candidate or a judicial retention or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted.

- Total the write-in votes and tally as follows (*see also the Write-In Votes* subsection in the *Special Situations* section and the *Determining a Valid Write-In Vote* subsection in the *Appendix* section):
  - o Count and tally write-in votes for candidates who have filed a declaration of intent, and count the votes of those who have not filed a declaration of intent **if no other** candidate's name appears on the ballot for that office, and **no other candidate** has filed a write-in declaration of intent for that office;
  - o Count and tally write-in votes only if the intent of the elector is clear, subject to applicable administrative rules;
  - o Count only write-in votes by one of the variations on the write-in candidate's declaration of intent; and
  - o Count only write-in votes that have the oval or designated voting area filled in.

  EXCEPTION: Count and tally all write-in votes on a Federal Write-in Absentee Ballot. (See also the *Determining a Valid Vote on a Federal Write-In Absentee Ballot* subsection in the *Appendix* section.)

- Election judges, ideally one from each political party having ballot access, shall participate in taking the ballots out of the box to determine whether each ballot is single (13-15-201 MCA).

- If an absentee ballot counting board has been appointed, the absentee ballots must be delivered to the absentee ballot counting board and counted as provided in law. (13-15-104, MCA) (See also the *Absentee Ballot Counting Board* subsection in the *Absentee Voting* section.)

- If an absentee ballot counting board has not been appointed, and if early preparation of absentee ballots was not conducted and/or if absentee ballots were received after early preparation was conducted, the election judges shall remove each absentee ballot secrecy envelope and open it. A ballot must be rejected if, in the envelope, there are more **marked** ballots than the number of ballots allowed to be voted for each election. (See also the *Handling Missing Unvoted Primary Ballots And/or Multiple Ballots* section*.)* (13-15-201(2), MCA)

- One election judge from each political party having ballot access, if available, shall participate in counting the number of ballots to ensure that the number of ballots corresponds with the number of names in the poll book and with the number on the ballot reconciliation report.

- If the total number of ballots does not reconcile with poll book, the judges must include on the ballot reconciliation report form a written statement stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. All judges must sign the report. (13-15-201(3), MCA)

- Ballots not endorsed by the official stamp are void and may not be counted unless the judges agree the stamp is missing because of election judge error. Such ballot shall be marked "unstamped by error" on the back and must be initialed by all judges. (13-15-201(4), MCA)

- If two or more ballots are folded together to look like a single ballot, lay them aside until the count is complete. Compare the count with the poll books and if a majority believes that the ballots folded together were voted by one elector, they must be rejected; otherwise, they must be counted. (13-15-201(5), MCA)

- After results are finalized, display the election results return form (signed by all election judges completing the count) at the place of counting and return a copy to the Election Administrator. (13-15-101(3), MCA)

HANDLING VOTING MACHINE ERROR DURING COUNT
(ADMINISTRATIVE RULES OF MONTANA 44.3.1714, ARM)

Pursuant to administrative rules, if, during tabulation, an election administrator or counting board believes that the machine is not operating correctly, the count must be paused, and the machine must be retested.

To retest the machine, a ballot test deck and ballot key are necessary. If feasible, use the test deck and key from the public/election day test. If your county has a backup machine to use in place of the machine in question, you can use the backup machine, but you should not use the machine with a potential problem until it has been tested and verified that it is working as required.

To retest the machine:

1. Ensure that all potentially impacted ballots are set aside by themselves.

2. Print off results and include with the ballots.

3. Zero out results of the machine and print a zero report.

4. Run test ballots through the machine and verify results against the ballot key.

5. If a discrepancy is noticed, and the discrepancy cannot be corrected, or if a majority of the counting board agrees that the machine may not be functioning correctly, officially remove the machine from use and recount all ballots that ran through the machine. The system involved in the discrepancy may not be used in another election until it has been examined and tested by a computer software expert in consultation with a voting machine vendor and approved by the Secretary of State.

6. If no discrepancy is noticed, **ensure that you zero out results when you put machine back into use**. Please follow appropriate procedures for verifying that pre-test ballots are counted in addition to post-test ballots.

COUNTING HAND-COUNT BALLOTS

•   Ballots shall be opened individually by one of the election judges and contents read aloud. (13-15-206, MCA)

•   In a primary election, ballots shall be separated and stacked by party prior to the beginning of the count. (13-10-311, MCA)

•   If the elector's choice in a race cannot be determined, that race shall not be counted. If part of a ballot is sufficiently plain to determine the elector's

intention, count that part. (See also the *Determining a Valid Vote* subsection in the *Appendix* section.) (13-15-206, MCA)

- As ballots are read, two judges must keep tallies of the number of votes for each individual or ballot issue. If the tally sheet is not already filled out with the names and offices and ballot issues on the ballot, the judges must write each name and office. (13-15-206, MCA)

- Enter in the tally book: (13-15-206, MCA)
  - the names of all individuals who received votes (if the names are not pre-printed);
  - the offices for which they received votes (if the offices are not pre-printed);
  - the total votes received by each individual; and
  - the total votes cast on each ballot issue.

- The tally sheets shall be compared and their correctness ascertained. (13-15-206, MCA)

- Enter in the poll book the total number of ballots cast and complete the poll book reconciliation form.

- Do not include a rejected ballot or vote in the count. (13-15-206, MCA)

- Place the ballots in the ballot container and seal as required: Seal all unvoted ballots and other books and supplies as directed by the Election Administrator. Complete seal logs as necessary.

- Sign certificates in poll book/tally book immediately after the votes are counted and the ballots are sealed in proper envelopes. (13-15-204, MCA)

- Return the sealed ballot box, and/or envelopes, Chain of Custody and Security Seal Log forms, and all records and supplies to the Election Administrator. (13-15-205, MCA)

- Enter hours worked on the timesheet provided by the Election Administrator. Return all timesheets to the Election administrator with the other supplies.

TABULATING WITH A MODEL 650 OPTICAL SCAN CENTRAL TABULATOR

Judges working with voting equipment must be trained
on the operation of the specific equipment.

1. Zero totals on scanners before proceeding – print zero report.

2. Make sure you have followed instructions from the Election Administrator regarding the overvote and write-in switches.

3. You will receive ballots from the Inspection Board if used, or from the Election Administrator or designee. Note the appropriate precinct number and time as directed by the Election Administrator.

4. Start scanning ballots for tabulation. If scanner stops for an overvote, blank ballot, or write-in vote, or if it did not read the ballot, put ballots in proper baskets and deliver to appropriate stations: The Resolution Table and/or Write-in Table.

5. When precinct is complete, ensure that ballots are sealed and Chain of Custody and Security Seal Log are properly completed, signed, and returned with the ballots.

6. When all ballots for a precinct are run, feed into the scanner one by one any ballots that the scanner did not read.

7. At the end of the night, run resolution and/or resolved and duplicated ballots through the scanner so that all resolved ballots will be counted. Follow instructions provided by Election Administrator on these procedures.

TABULATING WITH A MODEL DS850/450 DIGITAL CENTRAL TABULATOR

*Judges working with voting equipment must be trained
on the operation of the specific equipment.*

1. Ensure that the operator of the DS850/450 has been trained for the specific equipment and has the proper access information to conduct tabulation.

2. Zero totals on the scanners before proceeding – print zero report.

3. Ensure that the correct ballot output trays are set to receive write-ins, overvotes, and blank ballots.

4. You will receive ballots from the Inspection Board if used, or from Election Administrator or designee.

5. Note the appropriate precinct number and time on the Tabulating Log.

6. Once you start scanning the batch, the DS850/450 will not stop until it has scanned every ballot in the batch.

7. When the batch is complete, refer to the monitor to ensure it has successfully run. If the ballots have been counted and processed, move the ballots in the bottom tray to your counted ballot area. The middle tray will include your write-in ballots and will need to be moved to the write-in area. The top tray will include all ballots that were not processed. Ballots in this tray either need to be

rescanned or moved to their respective places (blank ballots basket, overvote basket, etc.). Referring to the DS850/450 monitor will give you more information on why ballots in the top tray were not processed.

8. When precinct is complete, ensure that ballots are sealed and Chain of Custody and Security Seal Log are properly completed, signed, and returned with the ballots.

9. When all ballots for a precinct are run, feed into the scanner one by one any ballots that the scanner did not read.

10. At the end of the night, run resolution and/or resolved and duplicated ballots through the scanner so that all resolved ballots will be counted. Follow instructions provided by the Election Administrator on these procedures.

TABULATION BOARDS

At the discretion of the Election Administrator, any of the following boards, **if used**, may be combined and members given other duties. If a county does not have all or some of the boards described below, they will assign the duties, if/when needed, to regular election judges who must be trained on those duties.

Boards described below will require specialized training and forms as provided by the Election Administrator. Suggested procedures for Boards are detailed below.

Observation Board

1. An Observation Board will assist with pre-election testing of tabulators to verify the accuracy of the programming. The test shall be repeated immediately before the start of the official count of the ballots and repeated after the official ballot count is completed.

2. This Board should be familiar with the correct procedures for processing ballots, as well as general operating procedures.

Receiving Board

1. A Receiving Board is responsible for ballot transfer cases that will be delivered to this board by two judges from each precinct during the early count period and/or at the close of polls.

2. Track receipt on the log provided noting the following:
   a. precinct number
   b. time received
   c. number on seal

   d. condition of seal (intact or broken). If the seal is broken or there appears to be any other irregularities, note on log and notify the Election Administrator.

3. Break the seal and compare the seal number with the number on the ballot report that is inside the transfer case. If the numbers are different, notify the Election Administrator.

4. Have both judges sign the log in the space provided?

5. Both Receiving Board members must initial in the space provided.

6. When the tasks as described are complete, the transfer case is passed to the Inspection Board.

Inspection Board

1. The Inspection Board is responsible for inspecting ballots before tabulation. Ballots from only one precinct at a time are inspected.

2. Fill in the Inspection Board log, noting the following:
   a. precinct number
   b. time received

3. Open the transfer case and remove ballots and ballot log.

4. Inspect the ballots for damage and for ragged edges. Check for official ballot stamp on the ballots. Notify the supervisor if the stamp information is missing. If you decide a ballot needs duplicating, transfer that ballot to the duplication table.

5. Fill in the log, noting the number of ballots to be duplicated.

6. All board members must initial the log in the space provided.

7. Ballots will be prepared for insertion into tabulating equipment.

Duplication Board

The Duplication Board is charged with duplicating ballots that are damaged due to tears, folds or other reasons that prevent the ballot from going through the machine. If the intent of the voter is not clear, see Resolution Board duties. If a county using tabulators does not have a designated Duplication Board or designated Resolution Board, the county must have judges trained to perform the duties described below, including at least three judges assigned to duplicate ballots.

1. Ballots will be delivered to the Duplication Board by either the Scanner Operator or Inspection Board Judge.

2. Fill in the log provided, noting the following:

   a. precinct number
   b. time received
   c. number of ballots to be duplicated

3. Duplicate those ballots requiring duplication using the following procedures:

   a. Retrieve ballot from that precinct, duplicate the elector's choices on the new ballot.
   b. Place the damaged ballot in a basket to be sealed later that evening.
   c. One board member duplicates while the other two judges observe closely.
   d. With a red pen or stamp, mark both damaged and duplicated ballot with:
      1) precinct number
      2) judges' initials

Write-in Board

1. Ballots will come from Scanner Operator or designee.

2. Review only the write-ins that you are instructed by the Election Administrator to review.

3. Tally votes for the write-ins on tally sheets provided to you by the Election Administrator.

4. All judges must initial the tally sheets.

5. For additional instructions on counting write-in votes, see the *Write-In Votes* subsection in the *Special Situations* section and the *Determining a Valid Write-In Vote* subsection in the *Appendix* section.

Resolution Board

The Resolution Board is charged with duplicating ballots that cannot be read by the tabulator. This is primarily due to apparent blank ballots or overvoted ballots. If a county using tabulators does not have a designated Resolution Board, the county must have judges trained to perform the duties described below, including at least three judges assigned to resolve ballots that are not able to be counted by the tabulator.

1. Board will consist of three election judges. At least two judges shall be members of different qualified political parties, if possible.

2. Ballots rejected by the machine will be received from Scanner Operators. The scanner located an apparent blank ballot or an overvote on the ballot provided. Try to correct the ballot so that the scanner will read the ballot according to the elector's wishes. See also the *Determining a Valid Vote* subsection in the *Appendix* section.

3. Enter into the log the precinct number and the reason the ballot was rejected by the machine. Enter decision reached by board as to whether the elector's intent could be determined. All judges will initial the ballot and the log in red ink.

4. Blank ballots could indicate the elector used a writing tool that was not detected by the scanner. The Resolution Board will use a writing tool that is provided by the Election Administrator to mark the elector's original ballot so that it can be counted by the tabulator. One judge will mark as the other two observe. Judges will initial ballot with red ink pen. Keep a log of precinct number and status of ballot.

5. After all ballots that have been processed by the Resolution Board, the resolution ballots will be presented to the scanner operator or designated official to be counted.

Election Results Board

It shall be the responsibility of the Election Results Board to prepare the final, unofficial election results for votes counted at the counting center. The duties are as follows:

1. When a computer tape or report having precinct totals for each candidate and each ballot issue comes from the scanner operator or designated official, tape it to the appropriate precinct Election Results.

2. Copy, distribute, and post the Election Results sheet in the counting center.

CLOSE OF TABULATING CENTER

It shall be the duty of the Election Administrator or designee to collect all ballots, logs and materials used for the counting center and place them in secure storage upon completion of the tabulation of ballots and certification of the results of the election.

Before adjournment, enclose the items specified in the envelopes provided; see *List of Envelopes for Ballots and Supplies* subsection in the *Appendix* section. Each election judge will sign the election judge's name across all seals affixed to the official envelopes if instructed to do so on the envelope. These envelopes, with the rest of the supplies provided for the election, are returned to the Election Administrator. (13-15-205, MCA)

SPECIAL SITUATIONS

RESOLVING CHALLENGES

13-13-301(3)(b), MCA, indicates that if a challenge is not resolved, "after the close of registration or on election day, the Election Administrator or, on Election day, the Election Judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as provided in 13-15-107, MCA."

If the challenge at issue is resolved in the challenged elector's favor before the time the elector is issued a ballot, the elector is no longer a challenged elector and can vote a regular ballot. **A challenge cannot be granted based solely upon a change of address.** Furthermore, an elector can confirm the elector's address before receiving a ballot.

When an elector goes to the polls and their name appears on the precinct register, the challenge is resolved in favor of the elector, and the elector votes a regular ballot.

A residency challenge at the polls – whether from a change-of-address form or any other evidence – must fail unless the elector confirms the change in writing. Even then, they can still vote if they moved within the county, and they must fill out a new voter registration form.

Late registrants indicate their voting address at the time they register and are placed in the correct precinct. The challenge is resolved in favor of the elector, and they vote a regular ballot.

Election officials must operate within the constraints of the National Voter Registration Act (NVRA). NVRA prohibits the state from removing an elector from the official rolls "on the grounds that the registrant has changed residence" unless the elector confirms the change of address in writing or is provided statutory notices, does not respond to the notices, and does not vote for two consecutive federal general election cycles after the notices are sent.

Process for handling challenges at the polling place:

1. A challenge **must be in the form of an affidavit** (13-13-301(1), MCA), and **must be made by a registered Montana elector**. (13-13-301(4)(a), MCA)

2. Once a challenge is made at the polls, the challenged elector fills out the "Affidavit of Challenged Elector." If the challenged elector provides a current address that conforms to the registration address on record, then the elector

should sign the register and be provided a regular ballot. (Note: The elector may vote one more time in an "old" precinct under 13-2-512(1), MCA.)

3. A challenge must fail if the only basis of a challenge is a change of address unless the elector confirms the change of address in writing.

SPOILED BALLOTS
(13-13-117, MCA)

1. An elector who spoils their ballot must return the spoiled ballot and given another ballot in its place. There is no limit to the number of ballots an elector can receive to replace spoiled ballots. (13-13-117(1)(b), MCA)

2. The elector must return the spoiled ballot enclosed in the secrecy sleeve, or folded with the stub showing, to an election judge.

3. The judge must instruct the elector to write "Spoiled" on the ballot, and without violating the secrecy of the ballot, the judge must mark "Spoiled" on the stub of the original ballot, remove the stub, and place it in the stub box.

4. The **elector** shall place the spoiled ballot in an envelope marked "Spoiled." Election judges should not place the ballot in the spoiled ballot envelope due to the possibility of the loss of secrecy of the ballot.

5. **Partisan Primary election** – The ballot judge will write "Spoiled" on the stubs of each party ballot for the election. Remove stubs and place in stub box. Deposit the voted "Spoiled" ballot in the spoiled envelope in the ballot box or stub box as directed by the Election Administrator. Deposit the unvoted "Spoiled" ballot(s) in the box for unvoted ballots. A new set of party ballots shall then be issued.

6. Instruct the poll book judge to mark the poll book accordingly for the spoiled ballot number. Give the elector a new ballot and announce the new ballot number to the poll book judge.

7. The word "SPOILED" must be marked beside the elector's name for that ballot number in the poll book.

8. Stickers or labels to cover up and correct errors on ballots are prohibited and may not be provided to an elector by an election judge or applied to ballots by election officials.

ERRONEOUS OMISSION FROM PRECINCT REGISTER
(ADMINISTRATIVE RULES OF MONTANA 44.3.2111, ARM)

1. An individual whose name is erroneously omitted from a precinct register or other election register may secure from the Election Administrator a certificate of the error, stating the precinct in which the individual is entitled to vote, and present the certificate (which will entitle the individual to vote a regular ballot) to the election judges.

2. The certificate shall be marked "voted" by the election judges and returned to the Election Administrator with the precinct register. The individual should sign the back of the precinct register or a location specified by the Election Administrator.

3. If the individual is unable to secure a certificate of erroneous omission from the Election Administrator, but the chief election judge of the precinct can confirm such erroneous omission by contacting the election office, the individual may vote a regular ballot by signing the oath that the individual's name was erroneously omitted.

4. If the Election Administrator cannot confirm that the individual's name was mistakenly omitted, then allow the individual to vote a provisional ballot if they choose. Have them complete the provisional ballot form and give them instructions on what their responsibility is to have the ballot counted. Alternatively, they can go to the county election office, resolve the issue, and potentially vote at the same time. See also the *Erroneous Omission from Official Register* subsection of the *Provisional Voting* section.

INACTIVE ELECTORS
(13-2-222, MCA)

1. An Inactive elector is someone who has not exercised their right to vote in a Federal General Election, (every even numbered year), and is someone who did not respond to confirmation mailings from the election office.

2. An individual can also be placed on the Inactive list because a ballot in a mail ballot election was returned to the election office as undeliverable, and a subsequent forwardable notice mailed by the election office also came back as undeliverable.

3. An elector designated as Inactive in the register is eligible to vote a regular ballot in any election by reactivating their voter registration.

4. An inactive elector may reactivate their registration on election day by appearing at the polls and confirming registration information or updating registration information. An inactive elector may also reactivate their registration by requesting an absentee ballot or providing an updated voter registration form. The elector may vote a regular ballot on election day at the county election administrator's office or a central location designated by the county election administrator (which may include the polling place). See 44.3.2015, ARM.

IDENTIFICATION (ID) POLLING PLACE

Consistent with 13-13-114, MCA, before an elector is permitted to receive a ballot and vote, they shall present to the election judge one of the required forms of ID. **"Identification"** for the purpose of voting at the polling place means any of the following:

1. Montana driver's license,
2. Montana state identification card issued pursuant to **61-12-501**,
3. military identification card,
4. tribal photo identification card,
5. United States passport,
6. Montana concealed carry permit; **or**
7. Photo identification that shows the elector's name, including, but not limited to a school district or postsecondary education photo identification **AND** one of the following items:
    a. a current utility bill,
    b. bank statement,
    c. paycheck,
    d. government check, or
    e. other government document that shows the elector's name and current address.

Note: Only an elector's name and photo are checked when an elector submits a photo ID. Election judges do not check picture IDs to see whether the address on the identification is current. A Driver's License or identification card is presumed to be current and valid if it is issued by any motor vehicle agency, regardless of status.

Summary of Process for Submitting, Accepting or Rejecting an ID

13-13-114 MCA. *Voter identification and marking precinct register book before elector votes -- provisional voting.*
(1) (a) Except as provided in subsection (2), before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge one of the following forms of identification showing the elector's name:

(i)   a Montana driver's license, Montana state identification card issued pursuant to 61-12-501, military identification card, tribal photo identification card, United States passport, or Montana concealed carry permit; or
(ii) (A) a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address; and

(B)   photo identification that shows the elector's name, including but not limited to a school district or postsecondary education photo identification.
(b)   An elector who provides the information listed in subsection (1)(a) may sign the precinct register and must be provided with a regular ballot to vote.
(c)   If the information provided in subsection (1)(a) differs from information in the precinct register but an election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register, complete a new registration form to correct the elector's voter registration information, and vote.
(d)   An election judge shall write "registration form" beside the name of any elector submitting a form.

(2)   If the elector is unable to present the information required by subsection (1) or if the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register or appears in the register as provisionally registered and this provisional registration status cannot be resolved at the polling place, the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601.

(3)   If the elector fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601.

Examples of Acceptable Polling Place ID

Montana Driver's License

Montana ID Card
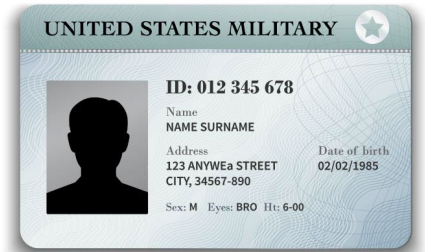
Military ID Card
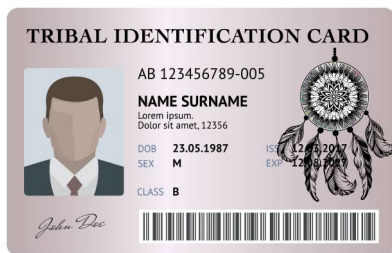
Tribal Photo ID Card

US Passport

Concealed Carry Permit

Other Options for Identification:
Photo ID with individual's name and at least <u>one</u> of these qualifying items

+

Current Utility Bill

Bank Statement

Paycheck or Government Check

*Government Document

Photo ID Examples:
Out of State Driver's License
Non-Montana State ID
Student ID with Photo
Credit Card with Photo
Health Club ID
Costco/Sam's Club Card
Employee ID
Any ID with Photo and Name

Government Document Examples:
(*must show name and current address)

Voter Confirmation Card
Polling Place Elector Identification Form
Tax Refund check
Medicaid/Medicare statement
Welfare check
Vehicle Registration
Property Tax Bill
Veterans Administration documents
WIC papers
Subsidized Housing papers

Government Student loan paperwork
Social Security paperwork
Bills from the University System
USDA documentation
Disability paperwork
SSI documents
Tribal ID
Any government document (local, state, or federal) issued to a person that has the person's name and current address on it.

Note: A utility bill, bank statement, paycheck, or other document may be provided via an electronic device if not available in paper form.

Polling Place Elector Identification Form
*This form **must** be available at the polling place.*

1. **"Polling place elector identification form"** is permitted to be used by the elector at the polling place as a government document if the identification information provided on the form is validated through the statewide voter registration system by an election official ([44.3.2102,](#) ARM).

2. The form is preprinted and provided by the Election Administrator for use at the polls by any electors who do not have sufficient identification.

3. It requires an elector to provide the elector's current Montana residential address, current mailing address, signature, date of birth, and current date.

4. It also requires an elector to provide their MT Driver's License number, a Montana state identification number, or the last four digits of the elector's SSN.

5. If the information provided (a MT Driver's License number, Montana Identification card number, or the last 4 digits of their SSN) can be verified by a call to an election official at the county election office, who will check the statewide voter registration database, or the Motor Vehicle Division and/or Social Security Administration records through the "Voter Verify" program, the election judge should put a check in the "Verified" box and sign and date the form.

6. Electors who are registered as provided by law can use the completed form as a government document and when combined with a photo ID that shows the elector's name can vote a regular ballot.

Important Information on Identification Requirements

1. Remember, the address on the form of identification provided is presumed to be a current address unless proved otherwise. **"Current address"** means a Montana residential address or mailing address.

2. Since **only** an elector's name and photo are checked when an elector submits photo identification, election judges do not check photo IDs to see whether the address on the identification is current. For example, an out-of-state Driver's License is a valid form of **photo** identification, even if the license is expired or suspended, as long as it has the person's name and photo and is issued by a government agency. ***Note:*** *An out-of-state Driver's license will require an additional form of identification as listed above.*

3. If the name or address on a **non-photo ID** provided differs from information in the precinct register, but an election judge determines that the information provided is sufficient to verify the elector's identity to vote pursuant to [13-2-512](#) MCA, the elector may sign the precinct register, complete a new registration form to correct the elector's registration information, and vote. An election judge writes "registration form" by the name of any elector submitting a voter registration form.

4. A *Declaration of Reasonable Impediment* form may be used when resolving ID requirements for Provisional or Challenged ballots ([13-15-107 MCA](#)). *Please contact your Election Office for guidance on using this form.*

LATE REGISTRATION

Late Registration does not occur at the polling place and is closed at **12:00 noon** *the day before the election. An elector appearing at the polling place to late register must be sent to the Election Office or a location designated by the Election Administrator.*

1. An elector may register or change any registration information after the close of regular registration until **noon the day before the election** and vote in the election provided that the Election Administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to **noon** the day before the election.

2. Except as provided below, an elector who changes residence to a different county within the state shall register in the new county of residence to vote in any election. An elector who changes residence to a different county **prior to the close of late registration** before an election may:

   a. vote in person or by absentee ballot in the precinct and county where previously registered; or

   b. update the elector's registration information and vote in the elector's new county of residence by appearing at the election office or location designated by the Election Administrator.

3. After the **close of late registration** for the current election, an elector may:

   a. Update their residence to a different county within Montana but may only vote in their previous county of residence pursuant to [13-2-514](#), MCA.

   b. Update their residence to a different precinct within the county and may vote a ballot from the former precinct or new precinct. The elector may

obtain the former precinct ballot at their former precinct or either ballot at a central location designated by the county election administrator.

   c. Change their name and may vote under the elector's former name unless the registration was cancelled.

   d. Reactivate their registration pursuant to 13-2-222, MCA, but may only vote on election day at the county election administrator's office or a central location designated by the county election administrator. See *Inactive Voters* on page 92.

4. An elector who registers or changes their information under these procedures may vote a regular ballot in the election only if the elector receives the ballot from the county election office (or the location designated by the election administrator), and only if the elector has either **not been** issued an absentee ballot for the election in the elector's former precinct or county, or the absentee ballot issued is voided by the county of issuance.

5. If an elector has already been sent an absentee ballot for the election, the elector may vote a regular ballot only if the original absentee ballot is voided in the statewide voter registration system by the issuing county.

6. Late registration applies with respect to an elector's registration to vote in any election, including school elections and special purpose district elections.

WRITE-IN VOTES
(13-10-211, 13-15-206 and 13-21-206, MCA)

See *Determining a Valid Write-In Vote* in the *Appendix* section – page 106*.*

1. The Election Administrator will provide to the chief election judge of each precinct a list of declared write-in candidates, along with copies of the filing form listing name variations. The list must be shown to any elector who requests the information. Lists must <u>not</u> be posted in the polling place or in any voting booths**.**

2. A write-in vote for a declared write-in candidate may be counted **<u>only;</u>**
   a. If the oval, box, or other designated voting area on the ballot is marked, **<u>and</u>**
   b. if the write-in vote identifies an individual by a designation that the declared write-in candidate listed on the candidate's filing form (*except as noted for absent military or overseas electors voting a Federal Write-In Absentee Ballot*).

3. Write-in votes for candidates who <u>have not</u> filed a declaration of intent as a write-in may be counted for a position, **<u>only if</u>** the following conditions are met:
   a. no candidate's name appears on the ballot for that position; **<u>and</u>**
   b. no other candidate has filed a write-in declaration of intent for that office by the applicable deadline; **<u>and</u>**
   c. If the oval, box, or other designated voting area on the ballot is marked.

4. Any elector may write in the name of a candidate, regardless of whether the candidate has filed a declaration of intent. The ballot should be accepted, even if the write-in vote for that candidate might not be counted.

5. The Election Administrator will provide copies of filing forms listing name variations to ballot tabulating judges.

HANDLING MISSING UNVOTED PRIMARY BALLOTS AND/OR MULTIPLE BALLOTS

In a partisan primary election, electors are provided with a ballot for all eligible parties holding a primary nominating election. Electors choose one party ballot to vote and enclose the voted ballot in the secrecy envelope provided. Unvoted party absentee ballots in a primary election may be disposed in accordance with instructions and no longer need to be returned to the Election Administrator.

Q. How do you handle a situation where an elector returned a marked ballot in the secrecy envelope, but did not return the unvoted ballot(s)?

A. Process the marked ballot as you normally would. Voters are no longer required to return the unvoted ballots in a primary election.

Q. An elector enclosed all party ballots in the secrecy envelope; do you reject all ballots?

A. If the judges can determine that only one-party ballot is marked, then that ballot may be counted. Place the unmarked ballot in an unvoted ballot envelope or area designated by your Election Administrator.

Q. An elector enclosed all party ballots in the secrecy envelope and made marks on more than one party ballot. What do you do with those ballots?

A. Because there is no way for an election judge to determine which party ballot the voter intended to have counted if multiple ballots have been marked, all ballots must be rejected.

Q. Individuals with the same mailing address enclosed all their voted party ballots in one signature envelope, and the ballots are either in their own secrecy envelopes, OR are not in a secrecy envelope – what do you do?

A. If each individual signed the signature envelope, and each individual's ballot was placed in its own secrecy envelope, you may accept those ballots. However, if each ballot is not in its own secrecy envelope, they must be rejected.

Q. Upon opening the signature envelope, you found that a <u>single, marked ballot</u> was enclosed, but not in a secrecy envelope.

A. Without looking at the marked ballot, place it in a secrecy envelope and process as usual.

Q. Upon opening the signature envelope, you found that <u>more than one ballot</u> was enclosed, but neither ballot is in a secrecy envelope.

A. Place <u>both ballots</u> in a <u>single</u> secrecy envelope for processing by election judges.

Q. Upon opening the signature envelope, you found that more than one ballot was enclosed, each ballot in its own secrecy envelope.

A. If the signature envelope contains a valid signature for each elector, the secrecy envelopes can be removed from the signature envelope and processed. If the signature envelope contains the signature of only one elector, the ballots must be rejected.

Q. What if you receive a secrecy envelope with two separate ballots in it?

A. A ballot must be rejected if in the secrecy envelope there is more than the number of ballots allowed to be marked for each election. However, this does not apply if:

1) There are multiple elections being held at the same time and the envelope contains only one ballot for each election: or
2) Only one of the ballots in the secrecy envelope is marked.

Q. What if voters in the same household return two 1st sheet ballots in one secrecy envelope, and two 2nd sheet ballots in another secrecy envelope?

A. By the time an error like this would be discovered (when secrecy envelopes are opened) you will not know if they came from the same household, so they would have to be rejected ballots. This rejection is based on the premise that there are more than the number of ballots allowed to be marked for the election.

APPENDIX

DETERMINING A VALID VOTE
(ADMINISTRATIVE RULES OF MONTANA 44.3.2402, ARM)

Determining a Valid Vote in <u>Manually</u> Counting and Recounting Paper Ballots

If an elector does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted. The following general rules shall apply in a count or recount of paper ballots:

(a) More than one designated voting area has been marked and at least one mark has been erased, but residue is or is not left. The election officials shall cause a vote to be counted for the designated voting area that has been marked:

⬛ Yes

⬭ No

(Erasure has been attempted.)

(b) One designated voting area is marked and at least one other designated voting area is marked with a heavy mark and no erasure has been attempted. The election officials shall cause this to be designated as an overvote [*for write-in vote determinations, refer to the "Determining a Valid Write-In Vote" subsection*]:

⬛ Yes

⬛ No

(No erasure has been attempted.)

(c) The designated voting area has been marked for one candidate or ballot issue choice and a partially completed mark is made in at least one other designated voting area. The mark may or may not have some erasure, although for the purpose of this rule, erasure is not required. If an erasure is present and it is not sufficient to make the intent of the elector clear, the election officials shall cause this to be designated as an overvote. If no erasure attempt is made, the election officials shall cause this to be designated as an overvote:

⬛ Yes

⬤ No

(Erasure may or may not have been attempted.)

(d) The designated voting area has been marked for one candidate or ballot issue choice and a hesitation mark is present within at least one other designated voting area. The election officials shall cause a vote to be counted for the designated voting area that has been marked:
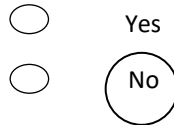
⬛ Yes

⬚ No

(e) The designated voting area has not been marked according to instructions, but the designated voting area, candidate, or ballot issue choice is circled, underlined, checked, or otherwise clearly marked. The election officials shall cause a vote to be counted for the marked choice:

◯   Yes

◯   (No)

(f) The designated voting area has not been marked according to instructions, but there is a connective line or arrow between the candidate or ballot issue choice and the designated voting area to indicate the vote. The election officials shall cause a vote to be counted for the marked designated voting area:

◯   Yes

◯ → No
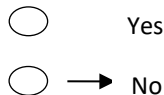
(g) More than one designated voting area has been marked, but no clear mark is used to indicate the intended candidate or ballot issue choice. This includes, but is not necessarily limited to, instances in which more than the allowable choices are marked, and an "X" has been marked in either or both of the designated voting areas. The election officials shall cause this to be designated as an overvote:

⊗   Yes   ✕   Yes

⊗   No   ⬤   No

(h) More than one designated voting area has been marked, but a clear word, mark, or statement is used to indicate the intended vote. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote:

⊗   Yes

⊗   No   I wish to vote no.
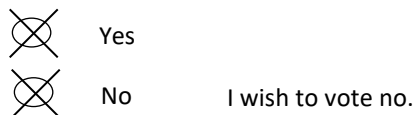
(i) A word or statement has been used to indicate the intended vote instead of marking the designated voting area according to instructions. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote:

◯   Yes

◯   No   I wish to vote no.

(j) All of the designated voting areas are crossed out. The election officials shall cause this to be designated as an undervote:

Yes

No
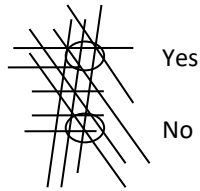
(k) A mark is made outside the designated voting area but close enough to the designated voting area to determine voter intent, and the designated voting area is not marked. The election officials shall cause a vote to be counted for the designated voting area determined as the intended vote:
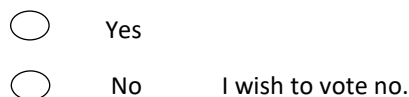
Yes

No
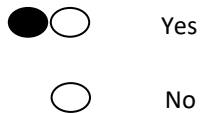
(l) A ballot is marked with different colors or types of marking instruments. The election officials shall cause votes to be counted as marked by the voter unless it is determined that the ballot is otherwise not valid:

Yes

No

DETERMINING A VALID WRITE-IN VOTE
(ADMINISTRATIVE RULES OF MONTANA 44.3.2403, ARM)

Determining a Valid <u>Write-In Vote</u> in Manually
Counting and Recounting Paper Ballots

If an elector does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted. The following rules shall apply to determining a valid write-in vote in a count or recount of paper ballots (*and must be read in conjunction with the "Determining a Valid Write-In Vote" subsection above*):

(a) A name is written in, but the designated write-in voting area is not marked, and no other candidate is selected. The election officials shall cause this to be designated as an undervote:

◯ Art Jones

◯ Ben Smith

◯ *<u>Steve Johnson</u>*

(b) No candidate name or office is written in, but the designated write-in voting area is marked and no other candidate is selected. The election officials shall cause this to be designated as an undervote:

◯ Art Jones

◯ Ben Smith

⬤ _____

(c) A printed candidate is selected by marking of the designated voting area, and no name is written in, but the designated write-in voting area is marked. The election officials shall cause a vote to be counted for the printed candidate:

⬤ Art Jones

◯ Ben Smith

⬤ _____

(d) A printed candidate is selected by marking of the designated voting area, any individual's name is written in, and the designated write-in voting area is marked. If the name written in is different from the name of the printed candidate selected, the election officials shall cause this to be designated as an overvote. If the name written in is the same as the name of the printed candidate selected, the election officials shall cause a vote to be counted for the printed candidate selected:

⬤ Art Jones

◯ Ben Smith

⬤ *<u>Art Jones</u>*

(e) The designated voting area for a printed candidate is marked and the same name is written in, but the designated write-in voting area is not marked. The election officials shall cause a vote to be counted as a vote for the marked designated voting area:

⬤　　　Art Jones

◯　　　Ben Smith

◯　　　*Art Jones*

(f) Comments are written in which do not indicate a clear vote and no candidate is marked. The election officials shall cause this to be designated as an undervote:

◯　　　Art Jones

◯　　　Ben Smith

◯　　　*I'm not sure.*

(g) The designated voting area for a printed candidate is marked, a comment is written in, and the corresponding designated write-in voting area is or is not marked. The election officials shall cause this to be counted as a vote for the printed candidate unless the comment creates uncertainty about who the choice is or directs the election official not to count the vote for the printed candidate selected. In the latter case, the election officials shall cause this to be designated as an undervote:

⬤　　　Art Jones

◯　　　Ben Smith

◯　　　*Art is who I choose*

OR

⬤　　　Art Jones

◯　　　Ben Smith

⬤　　　*I'm not sure.*

(h) At least one printed candidate appears as a candidate for the office and the designated voting area is not marked for any printed candidates, but a name is written in that is not the name of a declared write-in candidate and the corresponding designated write-in voting area is or is not marked. The election officials shall cause this to be designated as an undervote:

◯　　　Art Jones

◯　　　Ben Smith

⬤　　　*Art Jones*

DETERMINING A VALID VOTE ON AN AUTOMARK™

- A vote on an AutoMARK™ voter assist terminal consists of an elector's selection of candidates or choices on ballot questions appearing on the voting surface of the device (and via audio), followed by the elector causing the ballot to be marked, by following the written or verbal instructions.
- The AutoMARK™ system also provides for the elector to be able to enter the name of a write-in candidate where applicable. See also *Determining a Valid Write-In Vote.*
- Even if an elector does not mark a candidate, judicial retention choice, or ballot issue choice, the valid votes for other candidates or issues on the same ballot shall be counted.

DETERMINING A VALID VOTE ON AN EXPRESSVOTE®

- A vote on an ExpressVote® voter assist terminal consists of an elector's selection of candidates or choices on ballot questions appearing on the voting surface of the device (and via audio), followed by the elector causing a special ballot card to be marked by following the written or verbal instructions. The ballot card will show special bar codes to be used by a tabulation device and the candidates, questions, and issues voted in plain text. The card will not show all the possible choices on the ballot and will only show the voted candidate, question, and issue.
- The ExpressVote® system also provides for the elector to be able to enter the name of a write-in candidate where applicable. See also *Determining a Valid Write-In Vote.*
- Even if an elector does not mark a candidate, judicial retention choice, or ballot issue choice, the valid votes for other candidates or issues on the same ballot shall be counted. The ExpressVote® will warn the voter about missing votes (undervotes) but will process and print the ballot card if the voter confirms their choices.
- If an Election Administrator or counting board has reason to believe that an ExpressVote® voting system is not functioning correctly, the Election Administrator or counting board must test the system in accordance with 13-15-209, MCA and Administrative Rules of Montana 44.3.1714, ARM.

DETERMINING A VALID VOTE ON A VOTING SYSTEM
([13-15-206, MCA](#))

- If the voting system recognizes and counts the vote, it is a valid vote.

- If the voting system cannot process the ballot because of the ballot's condition or if the voting system registers an unvoted ballot or an overvote, which must be considered a questionable vote, the entire ballot must be set aside and the votes on the ballot must be counted as provided under *Determining a Valid Vote* and *Determining a Valid Write-In Vote*.

- If an Election Administrator or counting board has reason to believe that a voting system is not functioning correctly, the Election Administrator or counting board must test the system in accordance with [13-15-209, MCA](#) and Administrative Rules of Montana [44.3.1714, ARM](#).

- Before being counted, each questionable vote on a paper ballot set aside as noted above must be reviewed by the resolution or counting board. The resolution or counting board shall evaluate each questionable vote according to the rules under *Determining a Valid Vote* and *Determining a Valid Write-In Vote* and [13-15-206(3) & (4)](#), MCA *.*
    - If a majority of the resolution or counting board members agree that the elector's intent can be clearly determined **under the rules**, the vote is valid and must be counted according to the elector's intent.
    - If a majority of the resolution or counting board members do not agree that the elector's intent can be clearly determined **under the rules**, the vote is not valid and may not be counted.

DETERMINING A VALID VOTE ON A FEDERAL WRITE-IN ABSENTEE BALLOT
(44.3.2405, ARM)

- A voter covered under the Uniformed and Overseas Citizen Absentee Voter Act (UOCAVA) voting a federal write-in absentee ballot for any election may designate a candidate by writing in the name of the candidate or by writing in the name of the political party for which the elector is voting. For a partisan election, a written designation of the political party must be counted as a vote for the candidate of that party.

- If the elector is voting in a primary election, the elector shall identify the elector's political party affiliation as provided for in the appropriate section of the ballot. A vote cast by writing in the name of a candidate who is not affiliated with the elector's selected party is void and may not be counted.

- A vote by a covered voter on a federal write-in absentee ballot **may not** be voided for reasons of misspellings, abbreviations, or other minor variations of the candidate's name.

- If the elector receives the regular absentee ballot after the elector has marked and mailed a Federal Write-in Absentee Ballot (FWAB), the elector may mark and return the regular absentee ballot, and the regular absentee ballot is the ballot that will be counted.

- A mailed Federal Write-in Absentee Ballot (FWAB) must be accepted until the sixth day after the election if it is sent by 8:00 p.m. on election night.

- A FWAB (or other ballot) cast electronically by a United States elector may be counted if it is transmitted by the elector to the Election Administrator before the close of polls on election day and is received by the Election Administrator before 5 p.m. on the day after the election. Such FWABs and/or other Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots transmitted electronically by 8 p.m. on election day that are received after the close of polls are counted at the same time as provisional ballots are counted.

LIST OF ENVELOPES FOR BALLOTS AND SUPPLIES

(If not all envelopes are used by your jurisdiction, follow the instructions provided by your Election Administrator.)

Envelope No. 1   Poll books, tally books, precinct register. SEAL this envelope.

Envelope No. 2   Ballots not issued with numbered stubs attached. SEAL this envelope.

Envelope No. 3   All hand-counted voted ballots, including those not counted or rejected (and all detached stubs, unless in Envelope 4). SEAL this envelope.

Envelope No. 4   Primary election – unvoted party ballots and all detached stubs, and all detached stubs from voted ballots. SEAL this envelope. General election – at your option, if detached stubs are not put in Envelope 3, place them in Envelope 4. SEAL this envelope.

Envelope No. 5 - 6   Not in use.

Envelope No. 7   Unofficial election return sheet, for hand-count ballots or precinct- tabulated ballots. Keys and time sheets. DO NOT SEAL.

Envelope No. 8   Unopened and unexamined absentee ballots (if applicable).

Envelope No. 9   Absentee ballots sent from the Election Administrator to the chief election judge, to be opened on election day.

Envelope No. 10   Empty absentee ballot envelopes and written requests for absentee ballots, if applicable. SEAL this envelope.

Envelope No. 11   AutoMARK™ flash cards, and if applicable, M100 PCMCIA cards with corresponding printer report attached to card, and/or DS200® flash drive with corresponding printer report attached to card. SEAL this envelope.

Envelope No. 12   Supply envelope sent from the Election Administrator to election judges.

GUIDANCE TO ELECTION OFFICIALS IN REGARD TO OFFICIAL POLL WATCHERS AND ELECTION OBSERVERS

Poll watchers and election observers are an important part of Montana's open and transparent election process. This guide is intended to provide guidance to election officials regarding their roles and responsibilities with poll watchers and election observers.

General Guidelines

Election day is for the elector. As a rule, no person can obstruct the polling place or engage in solicitation of an elector in any manner that interferes with the election process or obstructs the access of electors to or from the polling place. Most unlawful polling place conduct can be punishable as a misdemeanor under Montana law.

Montana law prohibits a candidate from serving as a poll watcher at a polling place where the candidate's name is on the ballot

Election Officials

Election officials are allowed some discretion in terms of how to handle observers on election day. Guidelines for observers must be **reasonable, fairly applied, and documented** for election day. How observers are handled may vary from jurisdiction to jurisdiction for reasons including but not limited to:

- The size and configuration of the polling place, election office or tabulation center.
- The resources at the county's disposal on election day, including staffing levels.
- The number of observers requesting access to a location.

Before election day, election officials should evaluate each election day location to make decisions about how to handle non-electors on election day.

At least one poll watcher from each political party must be permitted at each place of deposit designated under 13-19-307, MCA for a mail ballot election (13-13-120(3), MCA).

The Election Administrator, where applicable, or election officials working at the polls may <u>uniformly</u>:

- Use discretion in determining a sufficiently close distance for observers to be stationed from the process they want to observe.
- Establish security protocol for observers including using sign-in sheets and identification badges and prohibiting the use of cell phones, pagers, cameras, and other audio or video equipment or electronic devices.
- Require order and quiet inside any observation area.
- Use discretion in determining how and to whom observers may pose questions and challenges during the observation process.
- Restrict the number of observers permitted in a polling place, election office or tabulation center to prevent interference with the election process, if the restriction is **reasonable and fairly applied**.
- Restrict the items observers may bring into the polling place, election office or tabulation center such as cell phones, large bags or backpacks, etc.
- Request assistance from law enforcement when necessary to ensure orderly and unrestricted access to the polling place and election office by electors.
- Restrict any activity that they determine undermines the **security, integrity or accuracy** of the election process at the polls, tabulation center and election office.

Election Officials may provide uniform guidance to Official Poll Watchers and Election Observers as follows:

- Notify the county Election Administrator as soon as possible before election day.
- Familiarize themselves with Title 13 Election Laws of Montana, and any county-specific guidance for polls watchers and/or election observers.
- Check-in with the chief election official at the polls, election office or tabulation center and find out where their designated observation area is located.
- Wear at all times in the polling place, election office or tabulation center, a name tag provided by the chief election official at the location where they are observing that clearly identifies them as a poll watcher or an election observer.
- Direct all questions, concerns, or suggestions to the chief election official for the location, unless otherwise instructed.

- Observe the proceedings at the polls, election office, or tabulation center without interfering with electors or election officials. Poll watchers and observers are permitted to observe the entire vote counting procedures and all entries of the results of the elections. A person may not make public the results of a vote tally from a precinct until after the polls have closed (13-35-241, MCA).
- Observers of early counts before polls are closed must also complete and sign the following affirmation "*I, _____, will not discuss the results of the early counting of votes any time prior to the closing of the polls on election day.*" (13-15-207, MCA)
- Ask questions of election officials as long as they do not interfere with the conduct of any part of the voting process.

To protect the security and integrity of the election, election officials can advise Official Poll Watchers and Election Observers at the polling place on election day that they may not:

- Interfere with the conduct of the election.
- Physically handle any voting materials or equipment without the express permission of the Election Administrator or chief polling place election official.
- Move or rearrange tables, chairs, or other election day equipment without the express permission of the Election Administrator or chief polling place election official.
- Sit at an official worktable or view confidential voter information on any equipment or paper document.
- Assist in any way with the official election process operations at a polling place, election office, or tabulation center.
- Communicate with voters regarding voting for or against any candidate or issue on the ballot unless they are at least 100 feet from any entrance to the polling place.
- Display or wear any campaign material.
- Distribute alcohol, tobacco, food, drink, or anything of value to a voter within 100 feet of a polling place.
- Discuss or disclose the results of the early counting of votes at any time prior to the closing of the polls on election day (13-15-207,MCA & 13-35-241, MCA).

ELECTIONEERING AND SIGNATURE GATHERING - FREQUENTLY ASKED QUESTIONS

Electioneering *generally* falls under the jurisdiction of the Commissioner of Political Practices. Call 406-444-2942 or email cpphelp@mt.gov or cppcompliance@mt.gov for specific questions or additional guidance.

Q. What is ELECTIONEERING?

A. ELECTIONEERING—soliciting information from electors.

- A person may not do any electioneering on election day within any polling place or building in which an election is being held or within 100 feet of any entrance to the building in which the polling place is located, that aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.

- On election day, a candidate, a family member of a candidate, or a worker or volunteer for the candidate's campaign may not distribute alcohol, tobacco, food, drink, or anything of value to a voter within a polling place or a building in which an election is being held or within 100 feet of an entrance to the building in which the polling place is located.

- A person may not buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election. A person within a polling place or any building in which an election is being held may not solicit from an elector, before or after the elector has marked a ballot and returned it to an election judge, information as to whether the elector intends to vote or has voted for or against a candidate or ballot issue. (13-35-211, MCA)

44.11.606 ARM   ELECTIONEERING - INTERPRETIVE RULE
(1) As used in 13-35-211, MCA, "electioneering" means the solicitation of support or opposition to a candidate or issue to be voted upon at the election or polling place in question, by means of:
   (a) Personal persuasion, electronic amplification of the human voice, or the display or distribution of campaign materials.
   (b) Offering or distribution of food, drink, or any other material benefit in a manner calculated to encourage recognition, support, or opposition to a candidate or issue.
   (c) "Electioneering" does not include the display of ordinary bumper stickers on automobiles.

Q. What is the **"100 FOOT RULE?"**

A. Montana law restricts campaigning, or "electioneering **on election day** within any polling place . . . or within 100 feet of any entrance to the building in which the polling place is located . . ." ([13-35-211, MCA](#))

Q. How do I measure 100 FEET – is it 100 FEET from any polling place?

A. The law states "within 100 feet of **any entrance** to the building in which the polling place is located. . ." ([13-35-211, MCA](#))

Q. How about electioneering in an area **BEYOND 100 FEET** from the polling place?

A. Generally, speech beyond 100 feet from an entrance to a polling place is not restricted.

Q. Can I wear a badge, button, or campaign shirt to the polls? What about bumper stickers?

A. A person "may not buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election." ([13-35-211, MCA](#)) "At or about the polls" is construed to include the 100 foot zone from an entrance. [44.11.606](#) (1)(c) ARM provides that "*Electioneering does not include the display of ordinary bumper stickers on automobiles*."

Q. Can **CAMPAIGN MATERIALS** be brought into a polling place?

A. Soliciting support or opposition to a candidate/issue at a polling place is prohibited when that candidate/issue is on the ballot.

Q. Can people **GATHER SIGNATURES ON PETITIONS** at the polling place?

A. Orderly signature gathering that does not interfere with the election process or obstruct elector access to the polls is not prohibited by these statutes (if the petition does not concern an issue being voted on at the polling place). Additionally, opponents to an issue for which signatures are being gathered have the same rights and responsibilities as signature gatherers at the polling place.

Q. Can **CANDIDATES BE PRESENT** in the polling place? Can they **WORK** at the polls?

A. Statute does not prohibit candidates in the polling place—they prohibit electioneering (which includes campaigning) in or about the polling place. **Candidates and certain family members are prohibited by law from working as election judges.**

Q. Can **FOOD, DRINKS, AND OTHER ITEMS** be provided to people waiting in line to vote at a polling place?

A. On election day, a candidate, a family member of a candidate, or a worker or volunteer for the candidate's campaign **may not** distribute anything of value to a voter in a polling place or within 100 feet of a polling place entrance.

Q. WHAT DO I DO IF I SEE A VIOLATION?

A. Inform the polling place official. If the official is not able to correct the problem, the official should call law enforcement. "*An election officer, sheriff, constable, or other peace officer may clear the passageway, prevent any obstruction, or arrest any individual obstructing the passageway to a polling place.*" ([13-13-122, MCA](#))

"*A person on election day may not obstruct the doors or entries of any polling place or engage in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner that in any way interferes with the election process or obstructs the access of voters to or from the polling place.*" ([13-35-218(4), MCA](#))

ADDITIONAL RESOURCES FOR ELECTION JUDGES

Election Judge Training Presentation on the Secretary of State's Election website: sosmt.gov/Elections/Officials

Uniform Voting Systems Guide on the Secretary of State's website: sosmt.gov/Elections/Officials

Voters' Frequently Asked Questions on the Secretary of State's website: sosmt.gov/elections/FAQ

My Voter Page and election information: polling place locator, sample ballot, tracking absentee ballot status: sosmt.gov/elections

Election Laws of Montana, Title 13 Montana Code Annotated (MCA) leg.mt.gov/bills/mca/title_0130/chapters_index.html

Federal Voting Assistance Program (FVAP) for Military or American Overseas voters (UOCAVA) – https://www.fvap.gov

Montana Secretary of State
Elections & Voter Services Division
1301 E. 6th Avenue
State Capitol Building, Room 260
PO Box 202801
Helena, MT 59620

soselections@mt.gov ● sosmt.gov
(406) 444-9608